



**Gemeente
Amsterdam**

10 september 2018

Selection Guideline

Competitive procedure with negotiation
DBMO contract AI 2017-0278;
Underground Waste Transport System Sluisbuurt

Contents

1	Introduction	5
1.1	The contracting authority and the awarding party	5
2	Contract discription	6
2.1	Project location	6
2.2	Project context	6
2.3	Scope of the contract	8
2.4	Project objectives	9
2.5	Critical successfactors	10
2.6	The environment and areas of overlap	12
2.7	Lots	12
2.8	Contract form	13
2.9	Municipal policy principles	13
3	Tender procedure	15
3.1	Applicable legislation	15
3.2	Description tender procedure	15
3.3	Correspondence	17
3.4	Planning of the tender procedure	18
3.5	Further information for the purposes of the application	18
3.6	Conflicts of interest	19
3.7	Competition act	19
3.8	Compensation for application costs	19
3.9	Inconsistencies and imperfections	19
3.10	Terminating the tender procedure	20
3.11	Complaints and disputes on the tender procedure	20
3.12	Standstill period	20
4	Grounds for exclusion and suitability requirements	21
4.1	Exclusion grounds	21
4.2	Suitability requirements	22
5	Selection	26
6	Submission of request to participate	27
6.1	Upon application	27
6.2	European Single Procurement Document (ESPD)	27
6.3	Reference projects	28
6.4	Reliance on competence of third parties	28

Selection Guideline

Competitive procedure with negotiation

DBMO contract A1 2017-0278; Underground Waste Transport System Sluisbuurt

6.5	Application in a consortium	29
6.6	Composition of the partnership ('Combination') and / or Appeal third party	29
6.7	Request for supporting documents in case of selection	29

Annex(es)

Annex 1	Checklist
Annex 2	ESPD
Annex 3	Reference form

1 Introduction¹

This document sets out the selection instructions for the underground waste transport (OAT)² project for the new Sluisbuurt neighbourhood in Amsterdam. These selection instructions are intended for interested economic operators that wish to sign up for the selection procedure. These selection instructions include the following:

- the description of the job to be performed;
- the planning of the procurement procedure;
- the requirements to be met by an applicant in order to be considered for an invitation to tender;
- the selection method;
- the information to be provided by applicants when they sign up for the selection procedure;
- the other provisions for the conduct of the procurement procedure.

The TenderNed tendering platform (www.Tenderned.nl) is used in this procurement procedure.

1.1 The contracting authority and the awarding party

On behalf of the Municipal Executive of Amsterdam, the contracting authority in this procurement procedure is the Engineering Office of the Municipality of Amsterdam, represented by the Director of the Engineering Office, Rue Weesperstraat 430-432, 1018 DN, Amsterdam.

The awarding party for this procurement is Grond & Ontwikkeling of the Municipality of Amsterdam.

¹ As a service this English version of the selection guideline is provided to the candidates and has no legal status. The Municipality of Amsterdam does not accept any liability concerning the English translation or omissions in the documents in English language. Subsequently, in case of contradiction, the tender documents in the Dutch language prevail.

² **Underground waste collection system (OAT)**: waste collection system of which most parts of the system (like collection bins and transportation pipes) are situated below ground level.

2 Contract discription

2.1 Project location

The Sluisbuurt is a new development area in Amsterdam. The Sluisbuurt is part of the IJoevers and is located in the northwestern part of the Zeeburgereiland, near the Oranjesluizen. The Zeeburgereiland connects the Oostelijk Havengebied with Amsterdam-Noord. The island lies in the Buiten-IJ, Zeeburg and Mond of the Amsterdam Rijnkanaal. The location on the waterfront of the Sluisbuurt overlooks the IJ and the city center. The Sluisbuurt is located within the A10 ring road and is physically connected to the center of Amsterdam via the Piet Heintunnel. In the Sluisbuurt a relatively limited space more than 5,500 homes and approximately 100,000 m² of facilities are realized. The district is made up of clusters that again consist of various building blocks and plots.



Figure 1: Sluisbuurt at Zeeburgereiland

2.2 Project context

The Sluisbuurt is a new district to be developed in the western part of Zeeburgereiland. In a relatively limited space, 5,500 homes and 100,000 m² of facilities are envisaged. The district will comprise 11 clusters, which in turn will consist of various building blocks and lots. The Municipality of Amsterdam develops the district in nine phases (of approximately 1.5 years each). High ambitions are set for the Sluisbuurt in terms of spatial quality and waste collection. An OAT system has positive social effects on the use of space, the quality of outdoor space and reduced nuisance in the form of emissions, odours, noise and unsafety.

Selection Guideline

Competitive procedure with negotiation

DBMO contract A1 2017-0278; Underground Waste Transport System Sluisbuurt

Spatial quality

The dense-urban construction programme for the Sluisbuurt and the ambition to turn it into a low-carriage bicycle area places high demands on the development and layout of public space, including green spaces. The Sluisbuurt is intended for urban households. The public space in the Sluisbuurt is designed in such a way that it takes the following principles into account:

- moving city: space for free movement and for various sports facilities, for example by creating broad pavements and schoolyards that are also open to the public after school hours;
- space for people to gather and recreate;
- a district with a low parking availability ratio, which will encourage cycling and walking;
- high quality. The public space will be designed according to the Puccini method;
- the entire neighbourhood becomes a 30 km/h area;
- presence of three large public spaces, each with its own identity;
- cluster-level public gardens that are alternately designed with sports/games and greenery.

OAT

The OAT system is an automated system in which household waste is collected separately at source and then transported via underground pipes to a central terminal.

The OAT system consists of indoor inlets, where households can present their waste separately, a transport line through which the waste is subsequently transported and a terminal where the waste is collected separately for transport.

The OAT system was chosen for the long term, in line with the useful life of the new building project (e.g. until the next thorough renovation/renewal).

Naturally, the management and maintenance of the OAT system will be linked to this, so as to ensure the maintenance and – above all – further technical development and innovation of the system.

The first section of the OAT System, Pipeline and Terminal must be realized in such a way that the first building can be connected to the OAT System upon completion. This first route must then be managed, maintained and exploited. The other components of the OAT System to be realized depend on the planning and developments of the area development of the Sluisbuurt. With every new building to be realized, the Contractor must realize the connection to the OAT System for delivery of this building.

The duration of the maintenance and operation per delivered phase / part of the OAT System has a specific turnaround time due to this phased construction. See figure 2 for clarification. For the first phase, a term applies for maintenance and operation of 25 years from the date of completion, for the following phases the term ends for maintenance and operation on the same date as for phase 1.

Selection Guideline

Competitive procedure with negotiation

DBMO contract A1 2017-0278; Underground Waste Transport System Sluisbuurt

	Termijn in jaren										
	1	2	3	4	5	6	7	8	9	10	etc.
Fase 1											
Fase 2											
Fase 3											
Fase 4											
Fase 5											
etc.											

Figure 2: management and maintenance terms per phase (indicative)

On the south side of the Sluisbuurt lies the Piet Heintunnel, to the south of the tunnel is the Terminal of the OAT System. In this Terminal the waste is collected in containers and transported by vehicles. The Piet Hein tunnel must be crossed in order to allow the main pipeline to reach the Terminal. This should be done in an overpass for cables and pipes that crosses the Piet Hein tunnel. The location of this overcoupling is fixed, so that the in and out points of the main pipeline are fixed at the location of the overcoupling. These fixed points determine the location of the main pipeline between the Terminal and the Sluisbuurt.

2.3 Scope of the contract

The contractor designs, builds, manages, maintains and operates the entire OAT system, ranging from the measurement and control technology of the inlets (excluding the inlets) to the terminal, where the waste is transferred to the processor by the Municipality of Amsterdam for further processing of the waste.

Accordingly, the scope of the contract for the future Sluisbuurt comprises the design, construction and the management, maintenance and operation of the OAT system, including:

1. The mains network
2. Activation of the building's connection to the mains network, including measuring and control technology
3. The waste collection terminal
4. The valve (to close an entire building off from the OAT system) and the measuring and control system in the buildings (the electrical part of the system in the buildings)
5. In addition, the market party is obliged to make an offer for the design, construction, management, maintenance and operation of the indoor facilities. These will be asked as an option which can be transferred by the municipality of Amsterdam to a third party (building developers / residents / Association of Owners (VvE), not exhaustively).

The Municipality of Amsterdam has opted for an 'open system', which means that the building owner/owners' association is responsible for the construction and management of indoor facilities. The interface for the inlets does fall within the scope of the contract. This interface will have to be generic, allowing various inlets or inlet systems to be connected to it.

Follow-up transport from the terminal to processor is not part of the contract. This follow-up transport will be organized by the RvE Afval en Energie i.o. (i.e. the results- accountable unit Waste and Energy in the process of formation);

Selection Guideline

Competitive procedure with negotiation

DBMO contract A1 2017-0278; Underground Waste Transport System Sluisbuurt

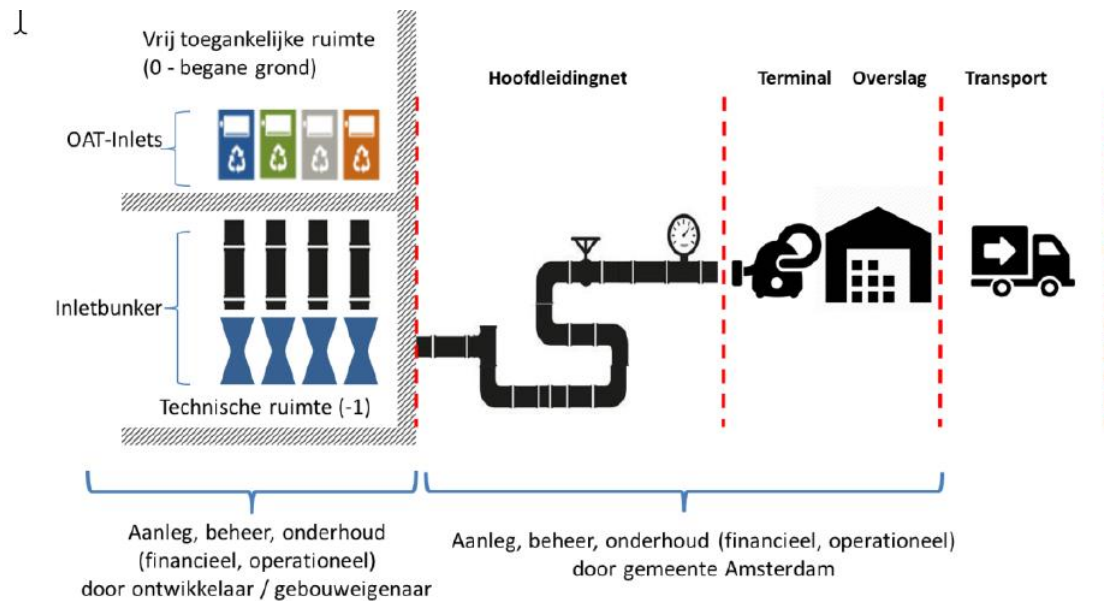


Figure 3: Schematic representation of the OAT system Sluisbuurt Amsterdam.

Following the completion of the design and construction, the contractor will manage and operate the OAT system. The contracting authority remains the owner of the OAT system at all times.

2.4 Project objectives

A dense-urban environment, high-rise buildings and high densities call for a different approach to waste collection. The limited public space must be optimally available for people to move around and stay. The Sluisbuurt offers the possibility to meet the objectives of waste separation in the best possible way. With the construction, maintenance and operation of the OAT system, the awarding party aims to achieve the following project objectives:

- **Sustainability:**

- Increasing the waste separation rate from 27% in 2014 to 41% in 2020, allowing more recycling of waste, while reusing all the vegetable, fruit and organic waste (GFE). This also means that in the event of a failure of the OAT system, measures must be taken to ensure separate collection of waste.
- Amsterdam aims for the lowest possible energy consumption of the OAT system. It is desirable to obtain an energy-neutral OAT system, in which the required energy is generated entirely locally.

Selection Guideline

Competitive procedure with negotiation

DBMO contract A1 2017-0278; Underground Waste Transport System Sluisbuurt

- **Services to users:** The awarding party wants OAT residents and users to be satisfied with the operation of the OAT system and are being well serviced by the contractor. The contractor may increase this satisfaction by guaranteeing that waste can be presented through the OAT system at any time, but also by providing timely and complete information regarding the construction and maintenance of the OAT system.
- **Robust and reliable system for the municipality:** A robust and reliable OAT system for the municipality so that the satisfaction of residents and users is increased, the maintenance costs of the OAT system are reduced and nuisance to the environment is minimized. A specific part of this project objective is the prevention of pollution around the OAT system, both on the collection side (in the buildings) and in the terminal.
- **Public space:** Limited public space is available in the Sluisbuurt. When it comes to the allocation of functions within this public space, priority will be given to the public attraction function and to moving around by bicycle or on foot. In order to facilitate this layout of public space, it is desirable that the public space does not have any obstacles for the purpose of waste collection.
- **Good integration of the OAT system into the environment, both qualitatively and technically:** A good integration of the OAT system into the environment, both qualitatively and technically, is crucial for Amsterdam. The minimum requirements for this have been included in the zoning plan (Sluisbuurt and Baaibuurt). However, in the further detailing of the design, it is important that as many decisions as possible are taken with a demonstrable contribution to the zoning plan.
- **Flexibility:** a solution that is flexible, expandable, future-proof and transferable, so that it can be used effectively and efficiently at an acceptable cost to society.
- **Timely completion:** The OAT system is installed in phases. This phasing is linked to the development of Sluisbuurt. This development of Sluisbuurt is not fixed and may change during the term of the contract. It is essential for the awarding party that the OAT system follows the pace of development of the buildings in Sluisbuurt and that, for each new development, the OAT system is ready before a building is completed. This following of the pace of building developments is necessary to ensure that residents can always present their waste via the OAT system.
- An **efficient organization** to keep the waste levy and the costs for the Amsterdammer low and to be able to make the ongoing investments that are necessary.

2.5 Critical successfactors

During the realization and exploitation of this project, the contracting authority intends to use the following critical successfactors:

1. Waste separation (in particular GFE)

It is essential for the Client that waste is separately collected at the source. This means that in the event of a failure of the OAT System, measures must be taken to ensure separate collection of waste. In particular, the collection of GFE as a separate group is important from the Client. The aim from the Client is that all GFE is reused.

Selection Guideline

Competitive procedure with negotiation

DBMO contract A1 2017-0278; Underground Waste Transport System Sluisbuurt

2. A public space in which no obstacles are present as a result of waste collection

Limited public space is available in Sluisbuurt. When assigning functions within this public space, priority is given to the residence function and the movement by bicycle or on foot. In order to facilitate this arrangement of the public space, it is desirable that no obstacles in the public space are present for waste collection.

3. Timely realization OAT System and connections

Due to the phased development of the Sluisbuurt, the OAT System will also be phased in. It is essential from the Client that the OAT System follows the development pace of the buildings in Sluisbuurt, so that with every new development the OAT System is ready before a building is delivered. This monitoring of the building developments is necessary to ensure that residents can at all times offer their waste through the OAT System.

4. Satisfied residents and users

From the Client it is desirable that residents and users of the OAT System are satisfied with the functioning of the OAT System. This satisfaction can be influenced by ensuring that residents and users can offer waste to the OAT System at any time. Also taking care of the right communication at the right time around the construction and maintenance of the OAT System are important for this.

5. Robust and reliable system

The Client expects a robust and reliable OAT System. This contributes to the confidence in the OAT System and the willingness to use by the residents.

In addition, nuisance due to (un) planned maintenance and unforeseen costs will have to be prevented. A side effect is that this prevents pollution of the environment (attachments, etc.).

6. High Quality and technically good integration of OAT System in the environment

For the Client, a qualitatively and technically sound integration of the OAT System in the environment is crucial. The minimum requirements for this are included in the zoning plan (Sluisbuurt and Baaibuur). However, in the further elaboration of the design, it is important that decisions are taken as much as possible with a demonstrable contribution to the zoning plan. It is also crucial that the wishes of the administrator of the Piet Hein tunnel are met as much as possible. Finally, there is an important interface with the flood defense, both in Baaibuur and in Sluisbuurt. Measures that are taken to reduce the interface with the flood defense are desirable.

7. Flexibility system in the future

The OAT System is expected to be able to be adjusted to a greater or lesser extent in the future without affecting the core of the system. This could anticipate on innovations in the OAT System technology, but also on the side of the waste supply as a result of the area development and / or the distribution and shape of the waste fractions) and the willingness to separate waste.

The Client strives for an OAT System whereby named changes can be accommodated within the existing OAT System (ie without modifications), or that required modifications can easily be realized (fast, low costs).

8. Energy consumption

The Client aims for the lowest possible energy consumption by the OAT System.

The actual critical success factors will be determined in the next phase (the invitation to tender).

Selection Guideline

Competitive procedure with negotiation

DBMO contract A1 2017-0278; Underground Waste Transport System Sluisbuurt

2.6 The environment and areas of overlap

Below is an overview of some of the relevant stakeholders (non-exhaustive) who have an interest in the OAT system for the Sluisbuurt:

- Municipality of Amsterdam (the awarding party),
- AEB Amsterdam;
- Contractor;
- Project developers;
- Present and future residents (user);
- Facilities: companies (user);

During the planning and execution phase of the project, there are at the moment the following areas of overlap, among other things:

- Issue of lots;
- Lot passport;
- Overall planning of the development of Sluisbuurt;
- Bridges;
- Existing and new Cables & Pipes;
- Clearing for the terminal (P+R, Economads, catering facility Zuider IJdijk);
- Design and laying subsoil by the Municipality of Amsterdam for the terminal;

2.7 Lots

The contract is not subdivided into lots, because:

- The OAT system should cover one logical, effective and efficient system for the entire Sluisbuurt, where the waste is collected at one point (for further transport and processing).
- Responsibility for the quality of the OAT system, its management, maintenance and operation must lie with one Contractor in the interests of efficiency and effectiveness;
- The execution should be optimized qualitatively and quantitatively; where there are multiple contractors (due to lots), this will be difficult;
- Maintaining coherence in organization and programming benefits the end users of the facilities and the owner of the OAT system (the Municipality of Amsterdam).

Section 3.2 provides a further justification for the procurement and its scope.

2.8 Contract form

A Design, Build, Maintain and Operate (DBMO) agreement based on UAV-GC 2005 principles will be entered into with the winner of the procurement procedure. It will commence on the date of signature of this contract and end at the latest 50 years after the first phase of the OAT system has been completed.

2.8.1 Group declaration

For the purposes of the final award of the contract, the applicant to which the contracting authority intends to award the contract must issue a group declaration in accordance with the requirements to be determined, following a request to that effect by the contracting authority.

2.9 Municipal policy principles

The Municipality of Amsterdam observes a number of policy principles that will apply to the procurement procedure and the contract. The following sections briefly describe these policy principles. For more information on any specific policy principle, the Municipality refers to the relevant website.

2.9.1 Beleidsregel Integriteit en Overeenkomsten (BIO) (Integrity and Contracts Policy Rule)

Amsterdam's resources for carrying out its public tasks are 'ours all'. The city must handle these resources with care and ensure that they are spent as well as possible. Integrity is therefore high on Amsterdam's political agenda. The city's starting point is to safeguard the integrity of its own organization and to prevent unreliable parties from being facilitated in their activities by entering into or allowing the continuation of agreements between these parties and the city. In order to implement its integrity policy, Amsterdam has adopted the Integrity and Contracts Policy Rule (BIO). For more information, see: <https://www.amsterdam.nl/wonen-leefomgeving/veiligheid/openbare-orde/wet-bibob/beleidsregel/>

The BIO applies to the actions of the Municipality of Amsterdam during and after this procurement procedure. By submitting a tender, an applicant indicates that it has taken note of the BIO and agrees to carry out the integrity screening as part of the procurement procedure, as well as any additional monitoring measures that may be the result of that. The applicant also agrees to any interim screening of the company during the term of the contract. The applicant also agrees to any screening of subcontractors and suppliers and will cooperate with this screening.

The screening will take place, *inter alia*, on the basis of the supporting documents for the European Single Procurement Document (ESPD) and documents submitted by the applicant – on further request – as well as on the basis of public and closed sources. Should there be reason to carry out a

further investigation, this will be carried out by the specialized screening unit of the Municipality (the Screening Unit). As part of the investigation, it is possible, under certain conditions, that a Bibob recommendation may be requested from the National Bibob Bureau. Should this be the case, the tenderer will be informed in advance. The outcome of the screening or the Bibob advice may lead to the exclusion of a tenderer on the basis of the mandatory and/or optional grounds for exclusion or to the inclusion of additional monitoring measures in the Agreement.

2.9.2 Performance measurement

Performance measurement concerns measuring the attitude and behaviour in the cooperation between the Municipality and the contractor during the execution of the contract. With a number of other awarding parties in the public sector, the Municipality of Amsterdam has developed a joint questionnaire within the framework of a uniform national performance measurement system. The aim of this questionnaire is to measure the attitude and behaviour of both the Municipality and the contractor in a transparent and unambiguous manner. The general rules for performance measurement can be found on the website <https://www.amsterdam.nl/ondernemen/inkoop-aanbesteden/>.

Further information on the application of performance measurement is provided with the award instructions.

2.9.3 Sustainability

In the various steps of the purchasing process, the Municipality of Amsterdam makes assessments on the basis of the Sustainable Procurement Guidelines [*Leidraad Duurzaam Inkopen*]. The Municipality of Amsterdam wants to accelerate the sustainability of the city. To this end, the Sustainability Agenda has been set up, see the website www.amsterdam.nl/duurzaam.

2.9.4 Social Return

The social objective of the Municipality of Amsterdam is that an investment by the Municipality, in addition to the 'ordinary' return, must also yield a concrete social return. The Municipality does this by setting Social Return as a social implementation condition in purchasing and tendering processes, in which the Municipality expects contractors to contribute to the creation of employment for people who are distant from the labour market. For more information about the general frameworks on social return, see www.amsterdam.nl/ondernemen/inkoop-aanbesteden/social-return/.

Deployment of Social Return takes place on the basis of consultation and in consultation with the Municipal Social Return Bureau of the Municipality of Amsterdam.

3 Tender procedure

3.1 Applicable legislation

The following laws and regulations apply to this tender procedure:

- Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on the award of public contracts and repealing Directive 2004/18/EC (OJ L 94/65, 28.3.2014).
- Act of 1 November 2012 containing new rules on tendering, revision 2016 (2012 Public Procurement Act);
- Decree as revised in 2016 regulating some of the subjects of the 2012 Public Procurement Act (Public Procurement Decree);
- Works Procurement Regulations 2016 (ARW 2016);
- Guide on Proportionality, 1st revision April 2016 (Guide on Proportionality);

3.1.1 Supplements to Works Procurement Regulations 2016 (ARW 2016)

- In addition to Article 5.45.1 of the ARW 2016, the text 'in Amsterdam' must be added after the word 'court'.

3.2 Description tender procedure

Following an analysis of the nature and scope of the various parts of the contract, the organizational consequences and risks of the possible ways in which the contract can be put on the market, the transaction costs involved for the Municipality of Amsterdam and the participating companies, the nature and composition of the relevant market, the expected number of potential tenderers and the desired end result, the application of the competitive procedure with negotiation has the following advantages:

- Due to the nature of the procedure, there is an opportunity to enter into a dialogue with the market about the principles and risks of the contract.
- The specific nature of the contract, which involves an integral performance (DBMO) relating to a scope that is by definition logically coherent, precludes division into lots/separate contracts.

Combining design, construction, management, maintenance and operation has the following advantages:

- It provides market players with more room for product and process innovations, leading to better performance at lower costs.
- It leads to more maintenance-friendly designs and an increase in quality.
- It offers market parties the best possible opportunities to minimize construction and maintenance costs.

Selection Guideline

Competitive procedure with negotiation

DBMO contract A1 2017-0278; Underground Waste Transport System Sluisbuurt

- It leads to better project management, shorter turnaround times and higher quality of the services to be delivered.
- It leads to a higher quality of the design because the financial consequences for errors in the design lie with the contractor.
- It leads to better coordination between construction and operation.

Given the particular complexity of the contract and the necessary involvement of market participants in the different phases of the procurement process (including risk sharing and financial feasibility), the competitive procedure with negotiation is considered appropriate.

3.2.1 Competitive procedure with negotiation

The core of the procurement procedure is the DBMO agreement to be concluded for works. A competitive procedure with negotiation is one whereby any economic operator may submit a request to participate in response to a contract notice, but only those economic operators selected by the contracting authority may submit an initial tender and whereby final tenders are negotiated with one or more of them.

The main features of the competitive procedure with negotiation are as follows:

1. selection of applicants to be considered for a call for tenders on the basis of grounds for exclusion and suitability criteria;
2. sending an invitation to tender;
3. potential tenderers are given the opportunity to ask individual questions, which are answered by the contracting authority in an individual information note;
4. submission of initial tenders;
5. evaluation of initial tenders;
6. negotiations, if any;
7. in the case of negotiations, submission of revised and, ultimately, final tenders;
8. where appropriate, evaluation of final tenders.

Depending on the outcome of the evaluation of the initial tender, one or more rounds of negotiations may be organized and tenderers may be invited to submit tenders for each round. The aim of this is to improve the initial tenders and to tailor them in the most effective way to the needs of the Municipality of Amsterdam. The contracting authority has the right to award a contract without negotiations having taken place with tenderers.

Selection Guideline

Competitive procedure with negotiation

DBMO contract A1 2017-0278; Underground Waste Transport System Sluisbuurt

3.2.2 Selection phase

These selection instructions relate to the selection phase. In the selection phase, the appropriate parties are selected. After the applicants have submitted their applications, it is determined to what extent they have provided all the information required in their applications (see Chapter 6) and whether the applicable suitability requirements (see Chapter 4) have been met. If the applicants are successful and suitable, they will be invited to submit their tenders by means of an invitation to tender (see Chapter 5).

The follow-up process (after the selection phase) is described in more detail in the tender instructions/invitation, which are provided at the start of the tender phase.

3.2.3 Tender phase and award criteria

After the selection phase, the selected applicants will receive an initial invitation to tender via TenderNed, accompanied by the tender documents.

Further information on the course of any negotiations will be given in the tender instructions. The contracting authority awards the contract to the party that, following the invitation to the final tender, has submitted the most economically advantageous tender (MEAT) on the basis of the best price-quality ratio. The best value for money will be determined on the basis of the detailed criteria relating to:

1. price;
2. quality.

3.3 Correspondence

All correspondence, with the exception of the lodging of complaints, must be sent via TenderNed.

The procurement procedure is conducted in the Dutch language and / or in the English language. Unless otherwise stated or stated in writing by the contracting authority in the remainder of the procurement procedure, all documents that the applicants submit to the contracting authority must be in Dutch or in English. **In case of contradiction, the tender documents in the Dutch language prevail.**

Applicants are not permitted to communicate about the project with employees of the contracting authority and parties involved in or acting on behalf of the contracting authority in a manner other than that described in these selection instructions without the written permission of the contracting authority.

Selection Guideline

Competitive procedure with negotiation

DBMO contract A1 2017-0278; Underground Waste Transport System Sluisbuurt

Applicants must submit requests for written permission to the contracting authority as a request for information. Applicants who contravene the provisions of this section may be excluded from further participation in the procurement procedure.

3.4 Planning of the tender procedure

The following schedule applies to the procurement procedure. The dates stated may be changed by the contracting authority during the procurement procedure. The date and time for submitting the request to participate is a strict deadline.

Part	Date/time
Selection phase	
Publication of notice	10 September 2018
Deadline for submission of request for further information for the purposes of the application	24 September 2018
Publication of last information notice during application phase	17 October 2018
Deadline for submission of requests to participate	31 October 2018, until 2:00 p.m.
Publication of the results of the evaluation of applications	14 November 2018
Deadline for lodging objections to the selection decision	24 November 2018
Tender phase (indicative)	
Invitation to tender	9 January 2019
Deadline for submission of initial tender	by end February 2019
Deadline for submission of final tender	mid/end of June 2019
Contract signature	October 2019

This concerns an indicative plan, from which no rights can be derived.

3.5 Further information for the purposes of the application

Applicants have the opportunity to obtain further information on the contract notice and on the documents relevant to the application. Requests for information can be submitted only via the TenderNed module up to the date specified in Section 3.4.

Requests will be answered with no reference to company names in one or more memoranda of information relating to the application phase.

3.6 Conflicts of interest

The contracting authority may exclude a tenderer from further participation in the procurement procedure if the tenderer is, or has been, involved on the contracting authority's side in the preparation of the procurement procedure, or if the tenderer uses businesses, consultants, employees and other legal entities or individuals who are or have been involved in the procurement procedure in this way. The same applies if any legal entities or individuals from the applicant's group have or had such an involvement.

The contracting authority will not exclude an applicant if that applicant demonstrates that, in the circumstances of the particular case, this involvement has not, or will not, impede competition.

3.7 Competition act

Perhaps unnecessarily, the contracting authority draws the applicants' attention to the fact that applicants are prohibited from entering into contracts that have as their object or effect the prevention, restriction or distortion of competition in the Dutch market or in any part of it.

The contracting authority reserves the right to notify the Consumer Market Authority (ACM) of applicants which the contracting authority suspects have entered into a combination agreement for the purpose of the work in violation of the Competition Act and/or other competition regulations and/or to exclude these applicants from further participation in the tender procedure.

3.8 Compensation for application costs

The contracting authority will not in any way compensate any costs incurred by the applicants in connection with the application for this selection procedure.

During the tender phase, a tender fee to be determined will be paid for the submission of a valid final tender (the tender after the final negotiations) with a minimum quality as determined in the tender instructions.

3.9 Inconsistencies and imperfections

The contracting authority has drawn up these selection instruction and annexes with due care. Should the applicant nevertheless encounter inconsistencies and/or imperfections, the applicant must inform the contracting authority of this. The applicant may not invoke any unreported inconsistencies following the submission of the application.

3.10 Terminating the tender procedure

The contracting authority reserves the right to temporarily suspend or terminate the procurement procedure at any time. Participating undertakings shall not, where appropriate, be entitled to compensation of any costs incurred in connection with this procurement procedure.

3.11 Complaints and disputes on the tender procedure

Complaints about this tender procedure may be sent to the following email address:

klachten.IB@amsterdam.nl.

Complaints may relate to non-compliance with legal provisions or infringement of general procurement principles. A complaint must be made in writing and must clearly state the aspect of the procurement procedure which is the subject of the complaint, together with the reasons for the complaint. This complaints procedure does not have any suspensory effect. A complaint will be dealt with by competent officials who are not or will not be involved in the present procurement procedure. A complaint will be dealt with as soon as possible; the complainant will be informed accordingly.

3.12 Standstill period

If a candidate can not agree with the contents of the tender documents, the answer to questions in the context of the memoranda of information or the reaction of the municipality to complaints from the candidate, the candidate must file preliminary relief proceedings before the notification period referred to in section 6.1. to make.

Once all the applications have been assessed and the selected applicants identified, the selection decision is taken. The selection decision will be published on TenderNed. The date of dispatch via TenderNed will serve as the date of the selection decision. This selection decision may be challenged by filing preliminary relief proceedings with the competent court in Amsterdam within 7 calendar days of the date of this letter. The aforementioned period is an expiry period. This means that if an applicant has not actually initiated interim relief proceedings within 7 calendar days of the date on which the notification of the selection decision is sent, the applicant in question can no longer object to the decision in interim relief proceedings; it has then forfeited its right to do so. In that case, the contracting authority is free to continue the tender phase.

4 Grounds for exclusion and suitability requirements

The contracting authority will assess the applicants that submit a request to participate on the basis of the grounds for exclusion and suitability requirements described in this chapter. The applicant must comply with the requirements set out in this Chapter and must continue to do so throughout the execution of the contract.

If at any time it turns out that an applicant has provided incorrect information or, in the opinion of the contracting authority, is acting in breach of laws, regulations or rules and requirements laid down in the tender documents, that applicant may be excluded from further participation in the procurement procedure.

The contracting authority uses the European Single Procurement Document (ESPD) as its own declaration for the purposes of this procedure. A more detailed explanation of how applicants should fill in the ESPD is given in Chapter 6.

4.1 Exclusion grounds

The Municipality of Amsterdam wishes to do business only with companies whose integrity has been established. To prove that none of the exclusion grounds apply to the applicant, the latter must provide the contracting authority with the completed and duly signed statement that the grounds for exclusion do not apply to the applicant.

In the case of a consortium, this requirement applies to all the participating undertakings in the consortium. This also applies to any third party engaged by the applicant.

4.1.1 Additional integrity test

The completed self-declaration or the supporting documents submitted on the basis of that it may cause the Municipality of Amsterdam to screen the applicant further. Screening pursuant to the Act on the Public Administration Probity Screening Act (Bibob) may form part of the screening. This screening does not mean that the applicant is among those selected.

The contract to be concluded may include further 'monitoring measures'. Some of these may already be included in the standard contract, while some of the screening referred to in this section may lead to their inclusion in the contract to be concluded.

Examples of monitoring measures include mandatory permission to engage subcontractors, reporting changes in the contractor's control, or providing indemnification, warranty or competition law compliance statements, reporting facts about the parent company (the company that exercises influence). In submitting an application, the applicant accepts the possibility that

such monitoring measures may be included in any contract to be concluded and that, without such monitoring measures, the Municipality cannot/will not conclude a contract.

The contracting authority may check the accuracy and completeness of the information provided by the applicant in connection with this procurement procedure. The contracting authority may regard the incorrect provision of information and/or completion of the forms as a false declaration and this may lead to the applicant's exclusion from further participation in the procurement procedure.

4.2 Suitability requirements

With regard to the suitability requirements set out below, an applicant must in any event be able to meet these requirements (at the very least). If an applicant does not satisfy one or more of these minimum requirements, the request to participate is void, and the applicant is not selected and invited to submit a tender.

Applicants may rely on the competence, financial capacity and/or reference projects of a third party (subcontractor(s) and/or group companies) to demonstrate compliance with the suitability requirements. The applicant must actually engage the third party whose resources are called upon for the execution of the contract.

4.2.1 Financial, economic and professional capacity

The continuity of the applicant's business in the execution of this contract constitutes a real risk for the Municipality of Amsterdam. The latter controls this risk by reviewing the financial development of the applicant's business over the past three years.

Annual report and continuity section

The Municipality of Amsterdam wishes to ensure the continuity of the execution of the contract. The applicant declares by registering itself that the financial and economic capacity of his organization is such that the continuity of its services within the framework of this work will not be jeopardized. The Municipality's requirement in this respect is that the applicant has not incurred any losses in combination with negative equity over the past three financial years and that no continuity section has been included in its annual reports and audit reports over the past three financial years. If a continuity paragraph were to be included, the applicant will demonstrate that adequate measures have been taken to limit the risks identified.

The Municipality will use the annual reports and audit reports for the last three years (2014, 2015, and 2016) for the assessment of its financial strength. The Municipality will itself request these annual reports from the Chamber of Commerce. If the annual reports have not been filed, the applicant must, at the request of the Municipality, submit these himself. Failure to submit the annual accounts on request may result in exclusion from this tender procedure.

The Municipality of Amsterdam's assessment of financial and economic standing will in any event be carried out at the applicant that qualifies for the selection decision. The Municipality will check

the annual reports and audit reports for the presence of a continuity section. The Municipality applies the principle that no comments mean no particularities and that implies that there are no specifically expected risks. However, the Municipality reserves the right to review the data independently. If the auditor does make comments, the applicant must indicate what measures have been taken to limit or prevent any risks. These measures must then be secured in such a way that the Municipality can hold the Contractor liable for these measures during the execution of the contract. Where two or more parties tender for a combination, this requirement applies to each of them separately.

4.2.2 Technical competence; quality assurance

4.2.2.a ISO 9001 certificate

The Municipality of Amsterdam places high demands on the quality of its suppliers and therefore requires the presence of a quality assurance system.

The applicant must have a valid quality system certificate based on the ISO 9001 standard 'Quality management systems - requirements'.

Supporting documents

The contracting authority may ask the eligible applicant to obtain a copy of the ISO 9001 certificate or an equivalent certificate from bodies established in other Member States. This certificate must have been issued by a certification body recognized for this purpose by a national accreditation body (in the Netherlands: the Council for Accreditation). The contracting authority also accepts a description of the main features of the quality assurance system (on a maximum of two A4s), in which it is demonstrated that the quality assurance system is at least equivalent to ISO 9001. If the applicant submits a description as referred to above, it must also submit proof of independent and expert third parties with proven knowledge and experience in the field of the ISO certification referred to above, in which the equivalence of the measures is demonstrated.

4.2.2.b Execution condition

The applicant must take into account that during the execution of the contract, an ISO 55001 (asset management) certificate (or an equivalent) will be requested for the operational phase. If the applicant does not have such a certificate at the start of the contract, the Supplier will be given the opportunity to obtain such a certificate for a period to be determined.

4.2.3 Technical competence; key competences

Applicants must provide proof of the required key competences (suitability requirements) by submitting reference projects at the time of application. In order to demonstrate that the applicant meets the suitability requirements, **no more than one reference per core competence** must be submitted. The same reference may be submitted for several key competences in order to demonstrate technical competence.

The applicant must fill in the model set out in Annex 3 for each reference in objective terms.

Selection Guideline

Competitive procedure with negotiation

DBMO contract A1 2017-0278; Underground Waste Transport System Sluisbuurt

4.2.3.a Core competence 1 - Design of a waste transport system³

In the ten-year period preceding the application deadline, the applicant must demonstrate that it has competently and regularly carried out the design of a waste transport system suitable for residual⁴ waste and at least one other type of waste in time (including any extension granted). The waste transport system must collect the waste fractions at a terminal (located in the vicinity of the collection points) by means of an air flow.

If the reference project has been carried out in a combination, only the applicant's own and relevant share of the reference project will apply for the purposes of the above requirement.

4.2.3.b Core competence 2 - Construction of a waste transport system

In the ten-year period preceding the application deadline, the applicant must demonstrate that it has competently and regularly constructed and taken into (commercial) operation of a waste transport system suitable for residual waste and at least one other type of waste in time (including any extension that may have been granted). The waste transport system must collect the waste fractions at a terminal (located in the vicinity of the collection points) by means of an air flow.

If the reference project has been carried out in a combination, only the applicant's own and relevant share of the reference project will apply for the purposes of the above requirement.

4.2.3.c Core competence 3 – Construction of an underground pipeline system⁵ in an area with settlement-sensitive subsoil⁶

During the ten-year period preceding the deadline for submission of applications, the applicant must demonstrate that it carried out/constructed and delivered in time (including any extension granted) in a professional and regular manner at least one underground pipeline system in an area with settlement-sensitive subsoil of at least 100 metres (total length of the pipeline system).

If the reference project is carried out in a combination, only the applicant's own and relevant share of the reference project will apply to the above requirement.

³ **Waste transport system:** system, generally automated, meant for the collection and transportation of waste fractions in a build-up environment.

⁴ **Residual waste:** the waste remaining after separation of recyclable fractions, such as organic waste, plastic/metal items (bottles/containers) and paper/cardboard.

⁵ **Pipeline system:** a system (system consisting of one or more pipelines) of which a pipeline must be a hollow tube for the flow of gases, liquids or capsules, intended to transport either a gas, a liquid or capsules, or to use a liquid as an intermediary for the transport of heat or a dissolved or pulverized substance.

⁶ **Settlement (or subsidence):** the lowering of the ground surface as a result of consolidation or densification of layers of ground.

Selection Guideline

Competitive procedure with negotiation

DBMO contract A1 2017-0278; Underground Waste Transport System Sluisbuurt

4.2.3.d Core competence 4 – Maintenance of a waste transport system

In the ten-year period preceding the deadline for submission of applications, the applicant must demonstrate that it has competently and regularly carried out, or carries out, or engaged others to carry out, at least one contract which includes the maintenance of a waste transport system for a contractual period of at least two years. The waste transport system must collect the sorted waste at a terminal (central location) by means of air flow.

For a current contract that is not yet completed on the final date for submission, the period of, maintenance must be in progress for at least one year prior to this final date for submission.

If the reference project has been carried out in a combination, only the applicant's own and relevant share of the reference project will apply for the purposes of the above requirement.

5 Selection

All applicants that will be selected for the tender phase on the basis of the grounds for exclusion and the suitability requirements (as set out in Chapter 4) will receive an initial invitation to tender.

6 Submission of request to participate

6.1 Upon application

The request to participate must be submitted (uploaded) via TenderNed no later than October, 31 2018 at 2.00 p.m. hours. Late requests to participate or requests other than those submitted via TenderNed will not be considered. The applicant bears the risk of not submitting its request to participate in due time and/or not submitting it in full (uploading).

Undertakings may submit a request to participate only once (1), either independently, as a main contractor with subcontractor(s), or in combination with one or more other undertakings.

By submitting a request to participate, the applicant unconditionally agrees to the procurement procedure and its structure as described in these selection instructions.

Candidates must submit the information requested in Appendix 1 (Checklist) with their request to participate. If there are companies within the joint venture and / or third party (ies) on which, in the context of the suitability requirements, these companies must also provide the following information:

1. European Single Procurement Document (ESPD);
2. Suitability criteria for reference projects (Annex 3).

6.2 European Single Procurement Document (ESPD)

The contracting authority uses the European Single Procurement Document (ESPD) for the purposes of this procedure. The ESPD as used by the contracting authority is included as Annex 2 to these selection instructions. The applicant must complete the information requested in Part II and Part VI. The ESPD is completed under Parts I, III and IV (Part V is not applicable) for the applicant. The applicant will be asked to check these parts for accuracy and completeness. Only if these parts (Part I, Part III and Part IV) have not been completed correctly for the applicant, the applicant must adapt them and further complete them. After the applicant has agreed to the contents (whether or not amended), the ESPD must be signed by an official who duly represents the applicant (see Part VI of the aforementioned Annex 2) and attached as file 3 to the request to participate.

It is emphasized that, in the case of a consortium, all participating undertakings must complete the document and provide the information. This also applies to all third parties that are engaged to meet the suitability (eligibility) requirements set.

6.3 Reference projects

By submitting the request to participate, the applicant expressly agrees to the contracting authority being entitled to approach the reference, without further intervention by the applicant, in order to verify the information provided by the applicant. The applicant must therefore indicate the name and telephone number of the contact person, as well as the other company details of the then awarding party of the reference project in question, in the model.

An undertaking (an applicant, a participant in a consortium or a third party) may rely on the experience gained in the consortium only if the undertaking has actually carried out the work on which the technical capacity is based. As indicated above, the contracting authority reserves the right to verify the soundness of the reference projects submitted.

6.3.1 Reference projects suitability requirements

Applicants are requested to submit a maximum of one reference project for each key competence under the suitability requirement concerned, using the reference project standard form (Annex 3). The applicant must specify in the standard form the suitability requirement(s) to which the reference project relates.

6.4 Reliance on competence of third parties

If an applicant relies on the competence of one or more third parties as subcontractor(s), it must demonstrate in its application that and how it will be able to use the experience of those third parties. To this end, the third party concerned must also sign the attached ESPD to be completed (Annex 2). Any change and/or rejection of a third party to be engaged by the applicant for the purposes of the work during the execution of the contract is permitted only with the awarding party's prior written consent.

The applicant and any third party or parties engaged are required to continue to comply with the statements throughout the procurement procedure. If, during the procurement procedure, an exclusion ground applies to an applicant or to any third party/parties that has been relied on, that applicant must immediately inform the contracting authority of that fact in writing.

6.5 Application in a consortium

Legal entities and natural persons may submit an application as only once – whether or not in a consortium with other legal entities or natural persons – unless they can prove, following a request to that effect by the contracting authority, that competition is not or will not be affected by relevant legal entity or natural person submitting an application more than once. For the purposes of this provision, legal entities or natural persons that meet the following conditions will in any event be regarded as one legal entity

- a. undertakings affiliated with each other in a manner as referred to in Section 24a, Book 2 of the Dutch Civil Code; or
- b. undertakings united with each other in a group as referred to in Section 24b, Book 2 of the Dutch Civil Code; or
- c. undertakings affiliated with each other in legal forms under foreign law comparable to those under a or b.

6.6 Composition of the partnership ('Combination') and / or Appeal third party

After submission of the request to participate, it is in principle not permitted to make an amendment to the composition of a Combination and / or the use of subcontractors / third parties listed in the request to participate, without prior written permission from the Client.

The Candidate must immediately and fully inform the Client of changes in its legal form, share capital, capacity, use of subcontractors or other changes that may be important in the Client's assessment of his suitability to perform the assignment, or in any way whatsoever, may be relevant to the Client.

Changes in this respect are only permitted with the prior written permission of the Client and due to compelling reasons to be presented by the Candidate. The Client may attach conditions to its consent to such a change. In any case, the Candidate must continue to comply with the (selection) requirements set out in this Selection Guideline until the time of Submission of the tender.

6.7 Request for supporting documents in case of selection

The contracting authority may require the submission of supporting documents and/or signed declarations from the applicant who is eligible for an initial tender invitation. If the applicant is unable to do so, the application will be disregarded and the contracting authority may decide to invite one or more successive applicants in order of rank that were not initially selected to submit an initial tender, after submission and acceptance of the supporting documents and/or duly signed declarations required by the contracting authority.

Upon request by the contracting authority, the applicant must submit the following supporting documents and statements:

1. Certificate of conduct for Procurement (Article 5.13.6 of the ARW 2016);
2. Declaration by the tax authorities (Article 5.13.9(c) of the ARW 2016);

Selection Guideline

Competitive procedure with negotiation

DBMO contract A1 2017-0278; Underground Waste Transport System Sluisbuurt

3. Extract from the Chamber of Commerce (Article 5.13.9(a) of the ARW 2016).
4. Model declaration by third parties (if applicable) (Annex 3);
5. Statement of financial and economic standing (Annex 5);
6. A copy of the ISO 9001 certificate or an equivalent certificate from bodies established in other Member States;

All supporting documents and statements to be submitted after a request to that effect has been made, including those from all participating undertakings in a consortium and/or third parties engaged to comply with the suitability requirements laid down, must be made available to the contracting authority via TenderNed no later than seven (7) calendar days after the request made to that effect.

As regards the supporting documents 1, 2 and 3, all participating undertakings in a consortium and/or third parties relied upon must provide such supporting documents.

If an applicant does not yet have a certificate of conduct for procurement at its disposal, it is advisable to apply for it early, given the expected long delivery period. A request for the issue of a certificate of conduct for procurement must be submitted to the Minister of Security and Justice by the entity or individual whose conduct is the subject of a request for a certificate, or by a representative of the legal entity whose conduct is the subject of a request for a certificate. The certificate of conduct for procurement may not be older than two (2) years following the deadline for submission of the request to participate. Justis, the Ministry of Justice Agency for Scrutiny, Integrity and Screening, is the implementing body that receives and processes the application on behalf of the Minister of Security and Justice. For more information, see www.justis.nl.

The statement by the tax authorities and the extract from the Chamber of Commerce may not be older than six (6) months following the deadline for submitting the request to participate. The extract or consecutive extracts from the professional or trade register must show that the documents submitted with the application have been signed by a duly authorized person.

If a candidate invokes the competence of one or more third parties, this will be apparent from the ESPD (and if applicable the reference declarations) which must also be filled in by these third parties as specified in section 6.1 of this selection guideline. Candidates and third parties hereby declare that they actually have the experience of those third parties or are able to dispose (in the execution of the assignment). Any change in and/or rejection of a third party to be engaged by the applicant for the work during the execution of the contract is permitted only with the prior written consent of the client.

If the applicant fails to submit the supporting documents and statements to the contracting authority tenderer within this deadline, it will be deemed unable to do so, in breach of the procedural rules of this procurement procedure and the request to participate will be invalid. An applicant with an invalid request to participate will be excluded from further participation in this Procurement Procedure.

Competitive procedure with negotiation

DBMO contract A1 2017-0278; Underground Waste Transport System Sluisbuurt

Annex(es)

Annex 1 Checklist

Annex 1 of the selection guideline for the European Tender "Automated Waste Collection System Sluisbuurt" on behalf of the City of Amsterdam contractnumber AI 2017-0278

The candidate has to complete this checklist and has to add as file 2 to his application. An initial has to be set if the relevant documents are included.

Standard form	Subject	Tab	Initial
	(not required) Submitting letter	File 1	
The following documents must be submitted			
Annex 1	Checklist	File 2	
Annex 2 **	ESPD ** ** Candidates must fill in the information requested for Part II and Part VI. The UEA is completed for the Candidate for parts Part I, Part III and Part IV (Part V is not applicable). Candidates are asked to check these parts for correctness and completeness. Only if these parts (Part I, Part III and Part IV) for the Candidate are not correctly filled in, the Candidate must adjust it and (further) complete / complete it. After the Candidate agrees to the content (adapted or not), the UEA must be signed by an official who legally represents the Candidate (see Part VI of the aforementioned, Appendix 2) must be signed and attached as File 3 to the Application. At subcontractor: <i>Each subcontractor separately that is called upon in the context of the suitability must submit Appendix 2 to the Application.</i> At Combinations: <i>If the Candidate is a Combination, each company that participates in the partnership (consortium) must submit the</i>	File 3 *	

Selection Guideline

Competitive procedure with negotiation

DBMO contract A1 2017-0278; Underground Waste Transport System Sluisbuurt

	<i>aforementioned own declaration and information upon Registration. Combinants must each comply with the conditions concerning the exclusion grounds as stated in section 4.1. The Combination must jointly meet the requirements referred to in Section 4.2 (suitability requirements).</i>		
Annex 3	Reference form	Completed Reference Forms should be added as file 4a – 4d.	

Company name:	
Name:	
Signature:	
Date:	

Selection Guideline

Competitive procedure with negotiation

DBMO contract A1 2017-0278; Underground Waste Transport System Sluisbuurt

Annex 2 ESPD

Annex 2 at the selection guideline for the European Tender "Automated Waste Collection System Sluisbuurt" on behalf of the City of Amsterdam contractnumber AI 2017-0278

The fully completed declaration has to be enclosed as file 3.

< added separately>

Annex 3 Reference form

Annex 3 at the selection guideline for the European Tender "Automated Waste Collection System Sluisbuurt" on behalf of the City of Amsterdam contractnumber AI 2017-0278

The fully completed form should be attached as file 4 a- 4d in accordance with the Checklist.

	To be completed by Candidate
Name of the project	
Name and address of the reference (NAW-data)	
Contact person	
Phone number contact	
Start date of the project	
(Intended) Completion date of the project	
Contractperiod	
Value of the project in EUR excl. VAT	
Required core competences	Check which requirement (s) as included in section 4.2.3 the reference meets, a reference can meet several core competences: ☐ Core competence 1 – Design of a waste transport System ☐ Core competence 2 – Construction of a waste transport system ☐ Core competence 3 – Construction of an underground pipeline system in an area with settlement-sensitive subsoil ☐ Core competence 4 – Maintenance of a waste transport system
General description of the reference project, including a description of the assignment, the implementation period of the assignment, the nature of the services and supplies, and the duration clearly stating which of the Core Competences it substantiates according to the Candidate. (approx 200 words)	
Candidate	
Date	
Town	
Name	
Postition	
Company name	

Selection Guideline

Competitive procedure with negotiation

DBMO contract A1 2017-0278; Underground Waste Transport System Sluisbuurt

Signature	
-----------	--