

**Tender Guide
of the
National Library of the Netherlands
concerning
a non-public European tender for
a Library Services Platform**

| Publication details: | |
|----------------------|---|
| Published by: | Koninklijke Bibliotheek (National Library of the Netherlands) |
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| Date: | 19-08-2020 |
| Version: | |
| Status: | Concept |

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1. Introduction and description of assignment

This tender guide has been prepared for the tender for a library services platform¹ and associated services. This document contains a concise description of the assignment, as well as all applicable requirements and conditions regarding this phase of selecting suitable candidate suppliers.

1.1 The contracting authority

The KB is the National Library of the Netherlands. 'Motivated by the strength of the written word', we encourage intellectual development, proficiency, and creativity in the Netherlands. We seek collaboration with partners in the domains of public libraries, cultural heritage, and academia. The KB promotes the visibility, usability, and durability of the 'Library Collection of the Netherlands', defined as the collective holdings of all publicly funded libraries in the Netherlands. Unimpeded access to these collections enhances the development of new ideas and allows researchers to build upon the ideas of their predecessors.

The quality of the chain of access to public information and the very existence of the organizations responsible are determined by their mission statements and their positions within the networks in which they operate. Any strategy must be underpinned by a thorough understanding of each partner's role in the network. The KB builds upon the strength of its network in all its activities.

The KB seeks to offer a platform where people and information come together. Our most important task for the years ahead is the development of a national digital library, together with our partners in the network.

For more information please visit www.kb.nl/en.

1.2 The assignment

1.2.1 Cooperation

The KB attaches great importance to its relations with the selected supplier and is therefore looking for a cooperative, transparent, long-term partnership. The KB is seeking a supplier who is familiar with a national library's essential activities and a partner willing to make a joint investment in the relationship. The award criteria will give substance to such a partnership as well as to the processes and procedures currently operating at the KB.

¹ System support for library (technical) services, based around a (web-based) Service Oriented Architecture (SOA) model to allow easy integration with other systems. Various components and sub-systems are 'loosely' coupled (SOA) to provide an overall solution. Cf. https://www.helibtech.com/next_generation.

1.2.2 Object

By acquiring and implementing a new library services platform the KB is seeking both to modernize and simplify the back-end of its collection management activities and to facilitate the usability of collection content and (meta)data for a broad community in the digital age.

The new library services platform will replace existing (back-end) systems for acquisitions, cataloguing & metadata management, e-resource management, and circulation.

The main objectives are to create facilities for improving the visibility and usability of the KB's collections, to optimize supply chain management for delivery of content and metadata to the National Deposit Collection by Dutch publishers, decreasing costs in general, and to collaborate with reliable and future-proof suppliers, which would increase durability and development potential.

The KB wants to accomplish this by purchasing a solution that is production ready and evolves with the rapidly changing landscape in the information world.

The following objectives apply to the current tender:

- Being able to offer library professionals adequate services to manage, make available, and disclose for a variety of contexts KB's rich and varied collections of both digital and physical resources, including the National Deposit Collection;
- Being able to offer linked (open) data access to information on its resources and collections, based on persistent identifiers for bibliographic entities in accordance with the IFLA LRM model;
- Decreasing the time necessary to manage content and metadata by optimizing workflows and providing (access to) services for automated metadata creation, conversion, and improvement, helping to reduce unnecessary manual tasks;
- Increasing reliability by cleaning up a legacy of solutions and undesired extensions that have accumulated within and around systems over the years.

Additional objectives are:

- Supplying as much social value as possible for public funding.

The applicable CPV code is 48160000-7.

1.2.3 Scope

The content of the assignment consists of implementing and servicing a library services platform, offering full configuration, technical application management, hosting, and maintenance.

The supplier should guarantee the long-term sustainability of the platform by offering a clear, transparent, and thorough development strategy and roadmap.

The assignment will include implementation, training & support, and migration services to assist the KB in migrating to the platform and adopting new ways of working.

The platform should **include** the following core functionalities:

- Elaborate facilities for manual and automated metadata creation and cataloguing, and for import, transformation, management, and export of metadata, including linked data publishing;
- Publishing persistent identifiers for bibliographic entities;
- Acquisition and deposits of digital and physical resources (publications) for the library's collections; deposits are made by a large community of Dutch publishers, research institutes, and other contributors and suppliers;
- Collection and item management, (e-)resource management and (content) license management, including detailed rights management for e-resources;
- Circulation management for physical resources and collections, including reading room functionality.

The solution should offer overall functionality across core functions.

- Unified and flexible Workflow Orchestration;
- Unified comprehensive Staff Search functionality;
- Unified Analytics and reporting (Business Intelligence);
- Unified interface language and terminology in English (localization functionality for Dutch should be optional).

As a library services platform the solution has robust and sustainable two-way interfaces for external functions and systems. These interfaces comply with applicable international (preferably open) standards and protocols.

The platform offers extensive flexibility for either accessing its core functions in alternative ways and/or applying added functionality, and orchestrated workflows that extend its functional scope. This flexibility is enabled by a modular service architecture, and open APIs.

The following functionalities are **not included in the assignment**:

- Patron search & discovery of collections and items;
- Delivery of e-content to patrons and e-lending;
- Support for digitization processes and workflows;
- Support for digital asset management (content repositories) and digital preservation;
- Storage and retrieval of physical items (warehouse & stocks management);
- Identity and access management (for patrons and staff);

- Financial management, billing, and e-procurement.

The KB uses other systems and platforms to support these functionalities. The library services platform must integrate easily into the KB's application landscape and platform ecosystem.

1.2.4 Size

The required solution will replace existing systems for acquisitions, cataloguing & metadata management, e-resource management, and circulation.

The current systems have been in use for several decades. An external supplier is responsible for hosting and servicing these systems. The KB wishes to replace the existing systems before 1-1-2022.

The KB holds around 7 *million* physical items (115km of shelving space, mostly books, newspapers, and around 10,000 paper journals). Most items are from the *Nederland Collectie*, the KB's core collection on Dutch language and culture. This collection includes the National Deposit Collection (started in 1974) from (over 20,000) Dutch publishers.

Since 2002 the KB has also had an e-Depot service for Dutch digital publications. Digital deposit collections comprise around 35,000 e-books, (complete holdings for) around 12,000 e-journals (28m articles) and other e-publications from Dutch research institutes and government organizations. The KB has also started a web archive for the preservation of Dutch websites. It is now archiving over 15,000 Dutch websites.

The KB also hosts an extensive collection of digitized publications: over 100m pages from Dutch books, journals, and newspapers have been digitized and are available online at www.delpher.nl and www.dbnl.org.

Its reference collections include over 500 licenses for e-journals and databases for scholars and researchers and over 30,000 e-books for e-lending from the Dutch digital public library.

In 2019 the KB adopted a new content strategy. The National Deposit Collection will first and foremost collect publications in (full text) digital form from publishing organizations, where applicable. The KB's e-collections (*born digital* and digitized) are expected to grow significantly in the near future.

The KB has over 500 staff, a substantial number of whom work on collection & item management.

1.2.5 Lots

In this tender there are no distinct lots.

1.2.6 Type of contract

The purpose of the tender is to use the result of the next phase, the award phase, to enter into a framework agreement with a single supplier who can provide the requested services (possibly with a subcontractor).

The framework agreement will have an initial term of four years, after which, on the client's initiative and if the client remains satisfied with the services and the related commercial conditions, the agreement may be extended three times, each for a period of two years. The framework agreement has an intended maximum term of ten (10) years.

There are no known commercial circumstances, other than the aforementioned satisfaction with the commercial conditions, that would prevent the agreement being extended after four or six years.

The framework agreement is enclosed.

1.2.7 Definitions

| Definition | Description |
|---------------------------------------|---|
| Library Service Platform (LSP) | System support for library (technical) services, based around a (web-based) Service Oriented Architecture (SOA) model to allow easy integration with other systems. Various components and sub-systems are 'loosely' coupled (SOA) to provide an overall solution. Cf. https://www.helibtech.com/next_generation . |
| The Netherlands Collection | Publications from and about The Netherlands |
| Library collection of the Netherlands | The collective holdings of all publicly funded libraries in the Netherlands |

2. Procedure

2.1 General information

The assignment is being marketed under the Public Procurement Act 2012, as last amended and published in the Bulletin of Acts and Decrees (*Staatsblad*) on July 28th, 2017, containing rules on the procedures for awarding public contracts for works, supplies, and services (Public Procurement Act 2012), using the non-public tendering procedure comprising an award phase and a selection phase.

The selection phase is open to all interested companies that meet the specified conditions. The award phase is open only to the candidate selected in the selection phase on the basis of the selection criteria.

The definitions in Section 1.1 of the Public Procurement Act 2012 will be used during the tendering procedure and the performance of the assignment.

2.2 Most economically advantageous tender

The contracting authority will award the assignment on the basis of the most economically advantageous tender (MEAT) in the judgement of the contracting authority based on the best price-quality ratio (BPQR).

2.3 TenderNed

As part of the aim of reducing administrative burdens, the entire tendering procedure will take place digitally through the TenderNed electronic platform.

All tender documents must therefore be made available through TenderNed, all communication will go through TenderNed and requests to participate may only be submitted through TenderNed. Operators themselves are responsible for submitting the digital request to participate. Any request to participate not submitted through the tendering platform/TenderNed will not be accepted. The risk of late submission is borne by the operator.

More information on the operation of TenderNed can be found at <https://www.tenderned.nl/cms/tenderned-voor-ondernemingen> (only in Dutch). In the event of questions or uncertainties about the operation of TenderNed (such as inability to log in or submit documents), please contact the TenderNed service desk. The TenderNed service desk can be contacted on working days from 8.30am to 4.30pm on 0800 - 836 33 76 or via servicedesk@Tenderned.nl.

NB!

The contracting authority recommends that well before the deadline for submitting a request to participate you check that your company is correctly registered on TenderNed and that a person is authorized to submit a digital request to participate. Otherwise you must first register as a company on TenderNed. This process can take several days to several weeks and the contracting authority has no control over it.

2.4 Contact person

The contact person for this tender is Dick Scheeringa. The contact person can be reached through the TenderNed messaging module.

No attempt must be made to contact any persons in the contracting authority other than the contact person with regard to this tender. If an operator nevertheless does so and particularly if influence appears to have been exerted, in any way whatsoever, the contracting authority is entitled to exclude the operator concerned from further participation in the procedure. Contact with regard to ongoing works for the contracting authority is of course permitted.

2.5 Tender documents

The tender documents comprise all the documents published on TenderNed, as well as all information shared through TenderNed.

2.6 Schedule for the tendering procedure

The contracting authority reserves the right to change and/or deviate from the schedule unilaterally. Such changes will be notified by means of an information notice and/or a message on TenderNed and will be incorporated in the schedule on TenderNed.

In the event of a difference between the schedule on TenderNed and the schedule in this tender guide, the latter will prevail.

2.6.1 Selection phase

The schedule for the selection phase is as follows:

| Activity | Date |
|--|--------------------------------|
| Publication on TenderNed | 19 August 2020 |
| Online presentation and explanation about this tender | 28 August 2020 |
| Latest date for submitting questions in first question round | 9 September 09.00 AM CET |
| Target date for publication of first information notice | 18 September 2020 |
| Latest date for submission of a request to participate | 29 September 2020 09.00 AM CET |
| Target date for sending selection decision | 12 October 2020 |
| Selection | 02 November 2020 |

Table 2: Planned schedule for selection phase

2.6.2 Award phase

The schedule for the award phase is as follows:

| Activity | Date |
|--|------------------------------|
| Start of award phase (release of tender documents for award phase) | 19 October 2020 |
| Latest date for submitting questions in first question round | 23 October 2020 09.00 AM CET |
| Target date for publication of first information notice | 30 October 2020 |
| Latest date for submitting questions in second question round | 6 November 2020 09.00 AM CET |
| Target date for publication of second information notice | 13 November 2020 |
| Latest date for submission of a tender | 23 November 2020 5.00 PM CET |
| Target date for sending award decision | 10 December 2020 |
| Verification discussion | 10 December 2020 |
| End of objection period | 31 December 2020 |
| Award | 1 January 2021 |
| Implementation period | 1 January 2021 |
| Start date of framework agreement | 1 January 2021 |

Table 3: Schedule for award phase

2.7 Question round

Questions concerning the content and procedure of the tender can only be submitted through the TenderNed Q&A module. All questions are answered anonymously and published in the form of an information notice on TenderNed. The sole information notice is published on TenderNed no later than 10 calendar days before the closing date for submission of the request to participate. Operators are expected to read the content of the notice.

Questions can be asked up to the date and time stated in the schedule, these being defined as the date and time of receipt of the questions by the contracting authority. Any questions submitted late will not be answered. The only exception is if the contracting authority considers a response to the question to be essential for all operators.

Deficiencies, procedural errors, conflicts, and/or objections

The tender documents have been compiled with care. If the operator nevertheless encounters conflicts and/or deficiencies among the tender documents, or between the tender documents and the text of the announcement, and/or objects to a particular section, or aspects of the procedure, he must notify the contracting authority in time, preferably during the question round.

Timeliness

The operator is requested not to wait until the last minute before reporting deficiencies, procedural errors, conflicts, and/or objections. If after the expiry of the period for submitting a request to participate it emerges that the tender documents contain conflicts and/or deficiencies with regard to the selection phase and the operator(s) has/have not reported these via TenderNed, they will be for the account and risk of the operator.

If an operator considers that an answer in an information notice is incorrect, this must be reported via TenderNed before the closing date for submission of a request to participate, or the operator must submit a complaint in accordance with the complaints procedure.

The foregoing is entirely without prejudice to the right to initiate immediate preliminary relief proceedings by serving a summons on the contracting authority, on penalty of lapse of rights. The operator is requested to send a copy of the served summons to the contact person.

Rules concerning questions

- Questions must be submitted as a Word document in accordance with the attached format as included in the **Questionnaire appendix**. This must also be sent to the contracting authority's contact person as an attachment to a message via TenderNed.
- Questions must be asked in the order in which the subjects appear in the document. This means a question concerning page 6 is asked after a question concerning the earlier pages (1 to 5) and before a question concerning the later pages (7 ff.)
- Only the green cells have to be completed; the white cells are intended for answers by the contracting authority.
- The questions must be asked through the TenderNed Q&A module.
- Each question must refer clearly to the chapter, section, and/or appendix numbers.

- All questions must be asked anonymously. This means they must not include any company name or other company-specific details.
- All questions must be asked separately; multiple questions must not be submitted as a single question.
- The contracting authority is entitled not to answer any questions that are asked incorrectly.
- Any questions submitted late will in principle not be answered. The only exception is if the contracting authority considers a response to the question to be essential for all parties involved.
- Individual questions can only be asked if the questioner invokes Section 2.53(3) of the Public Procurement Act 2012 and justifies the request. If the contracting authority considers that the justification is insufficient, or the answer may be relevant to all parties involved, it will offer to allow the question to be asked again on a general basis.
- The conditions applying to the reporting of deficiencies, procedural errors, and/or conflicts are the same as those applying to asking questions, but these are not tied to the stated question round(s).

2.7.1 Question round

Questions for the sole question round may be submitted up until the date stated in the schedule.

The questions, including the answers, will then be published on TenderNed as an anonymized information notice no later than the date stated in the schedule (target date).

2.7.2 Individual questions

Individual questions may be asked if Section 2.53(3) of the Public Procurement Act 2012 is invoked. The asker must clearly state that the said section is being invoked. If the contracting authority judges that the question is of no economic interest justifying an individual answer, it will not be answered unless the asker agrees to the question being included in the information notice.

The answer to an individual question will be sent to the asker by means of a message on TenderNed and has the same status, including legal status, as an information notice.

2.8 General complaints procedure

The contracting authority will do its utmost to ensure that the tendering procedure is conducted as carefully as possible. In addition to the possibility of asking questions during the tendering procedure, operators, industry bodies, and interest organizations can draw attention to a particular act or omission by the contracting authority in a specific tender if it conflicts with the law or other regulations applying to the tender. Complaints may also be submitted on actions by the contracting authority that violate one or more of the principles of transparency, non-discrimination, equal treatment, and proportionality applying to tenders.

The contracting authority will follow the standard complaints procedure as described in the final version of "Complaints handling in tenders". The content of this procedure can be found at: <http://www.rijksoverheid.nl/bestanden/documenten-en->

publicaties/regelingen/2013/03/07/klachtafhandeling-bij-aanbesteden/klachtenafhandeling-definitief.pdf

Complaints are handled in accordance with III.4 of part 1 of the above "Complaints handling in tenders". The operator can file any complaints on the procedure in accordance with part 1 of the above "Complaints handling in tenders" by e-mail only to inkoop@kb.nl.

The complaint desk is an independent contact point in the contracting authority that makes a fresh assessment of the complaint and issues a recommendation to the contracting authority. 'Independent' means that the persons working on the complaint desk are not and have not been directly involved in the tender documents or their drafting. The complaint desk only deals with disputes on tendering procedures covered by the Public Procurement Act. The tendering procedure is not halted by the submission of a complaint unless the contracting authority decides otherwise.

2.9 Submission of request to participate

The request to participate and all required documents must be submitted via TenderNed no later than the date and time stated in the schedule. To do so the operator must upload the request to participate to the designated digital safe. No other methods of submitting the request to participate will be accepted.

In the event of a demonstrable malfunction of the TenderNed platform preventing the submission of the request to participate before the deadline, the contracting authority may decide to extend the deadline once it has passed. Immediately after detecting the malfunction of TenderNed, the operator must send an e-mail (containing any supporting information) to inkoop@kb.nl including the words 'storing TenderNed aanbesteding Library Services Platform' ('malfunction of TenderNed tender for Library Services Platform').

The possibility of an extension is a unilateral right of the contracting authority and expressly not an obligation. The contracting authority has no discretion to use this right once the safe has been opened, since by then it will already have knowledge of the received requests to participate. The operator remains independently responsible for the timely and correct submission of his request to participate. If the contracting authority decides to extend the period, all actual and potential candidates will be notified of the extension. Any actual or potential candidates who have already submitted a request to participate (on time) will be given an opportunity to amend or supplement their request to participate within the extension period.

After the close of the period for submitting a request to participate, the contracting authority will open the digital safe. No candidates will be admitted to the opening of the safe. A report will be drawn up on the opening of the safe, which will be sent to a candidate at the first request.

2.10 Assessment of requests to participate

The assessment of the requests to participate will be carried out as described below. Throughout the assessment process the requests to participate will be assessed on the basis of the candidates' submissions.

The contracting authority will first check the validity of the requests to participate. Submitted requests to participate must be unconditional and complete.

- 'Unconditional' means that no conditions may be attached to the request to participate.
- 'Complete' means that all mandatory documents have been submitted with the request to participate and, where required, bear the legally valid signature of an officer whose name appears in the trade register. An incomplete request to participate will be excluded from the remainder of the assessment procedure, unless the contracting authority deems the lack of certain information to be an apparent omission. In the context of the selection criteria, the absence of any documents will in no case be deemed an apparent omission.

Requests to participate which are complete and submitted on time will then be assessed against the formal requirements and conditions as described in the tender documents. If the request to participate does not meet the requirements and conditions, it will be declared invalid and will not be included in the remainder of the assessment.

The valid requests to participate will then be assessed on the basis of:

- the grounds for exclusion; and
- the suitability requirements; and
- the performance conditions.

If one or more grounds for exclusion apply to the candidate, and/or the candidate does not fulfil one or more suitability requirements, the request to participate will be excluded from the remainder of the assessment.

The remaining requests to participate will be assessed by the assessment team on the basis of the selection criteria described in the tender documents. A ranking of the requests to participate will be drawn up on the basis of this assessment.

If a request to participate raises questions only with regard to certain (possibly secondary) elements, the contracting authority may decide to conduct a further assessment of the request to participate and to carry out enquiries/checks prior to the selection decision only in respect of candidates eligible for selection for the award phase. If enquiries reveal that a request to participate does not meet the requirements and conditions, it will be rejected and the ranking will be recalculated.

2.10.1 Equal ranking of requests to participate

If more than four candidates end in the first four positions in the ranking, all these candidates, subject to verification, will be invited to the award phase. In exceptional cases it is therefore possible that more than five candidates, subject to verification, will be invited to the award phase.

2.11 Selection procedure

On the basis of the score obtained for the selection criteria, the four suppliers ending in the highest positions in the ranking will be selected for participation in the award phase.

2.11.1 Selection decision

All candidates will be simultaneously informed of the results of the selection phase by means of a written notification of the selection decision, setting out the reasons, via TenderNed. This means that a notice of rejection must be sent to the rejected candidate, setting out the reasons, with due account also being taken of successful candidates' justified interests with regard to protection of their commercial interests and confidential information.

After receiving the selection decision, a rejected candidate may bring appeal proceedings against it in court. Such appeal must be filed no later than 15 days after the selection decision was sent. This is an expiration term. In the case of preliminary relief proceedings the contracting authority will postpone the selection to a later date, depending on the ruling by the court in preliminary relief proceedings and/or the time and content of such ruling.

2.11.2 Verification

After the announcement of the selection decision the contracting authority will, during the verification period, verify the data in the ESPDs submitted by the best-scoring candidates and, if applicable, the third party/parties and all subcontractors. To this end, the candidates which the contracting authority intends to select for the award phase must, at the first request of the contracting authority, present the required supporting documents within seven calendar days. The contracting authority may also request these candidates to explain the requests to participate at a verification interview.

2.11.3 Selection

If it is conclusively established that the intended candidates meet all the requirements and none of the rejected candidates has, within 15 calendar days after the sending of selection decision, objected to the selection decision by having a summons (for preliminary relief or other proceedings) served on the contracting authority, the candidates concerned will be selected for the award phase and the award phase will be initiated.

In the event that a candidate intended for selection does not meet or ceases to meet the specified requirements and/or conditions, or if so ruled by the competent court in preliminary relief proceedings, the contracting authority may take a new selection decision. In that case, the new announcement of the selection decision will be sent simultaneously to all candidates and the objection period of 15 calendar days will again apply.

If, in the situations referred to above, preliminary relief proceedings have been brought in time, the contracting authority will not make its selection until the competent court in preliminary relief proceedings has issued its ruling.

2.12 Conditions

2.12.1 Language

The working language throughout the tendering procedure is English, for both written and spoken communications. The request to participate must be submitted in English. The only exception is for official supporting documents supplied in the language of issue; these must be accompanied by a certified translation into English by a sworn interpreter/translator. During the performance of the assignment all employees and representatives who are responsible for its performance must use spoken and written English or Dutch in their contacts with the contracting authority.

2.12.2 Use of brand names, types or patents

The contracting authority has no preference for a particular operator, nor for particular brands, types, manufacturers, origins etc. If any condition, requirement, and/or selection criterion in the tender documents is (or appears to be) related to a particular manufacturer, provenance, working method, brand, patent, type, origin, or production, this must be read as “or equivalent”.

If an operator considers that there is equivalence, this must be demonstrated at the first request of the contracting authority by the presentation of documents evidencing such equivalence.

2.12.3 Reservations with regard to the tender

The contracting authority reserves the right, without being liable to pay any compensation whatsoever, before the selection:

- i. to suspend or terminate the procedure early;
- ii. not to award all or part of the assignment;
- iii. to amend the schedule;
- iv. to withdraw and/or revise the selection decision.

2.12.4 Changes by the operator

During the tender process the operator must keep the contracting authority informed, on a solicited and unsolicited basis, of developments with regard to his organization that may be of importance to the contracting authority in assessing the information provided by the operator. Such developments include, for example, material negative changes in the financial information provided by candidates, reorganizations, and changes of ownership structure.

2.12.5 Competition

The operator must refrain from conduct that restricts competition between operators. In particular, the candidate will not exchange any information on his request to participate with other candidates, or with third parties.

2.12.6 Costs

The contracting authority will not reimburse any costs associated with the drafting and submission of the request to participate, even in the event of termination of the tendering procedure.

2.12.7 Applicable law and disputes

Both this tendering procedure and the prospective framework agreement and detailed agreement(s) are governed by the law of the Netherlands. All disputes arising from the present tendering procedure and from the prospective framework agreement and detailed agreement(s) will be settled exclusively by the competent court in The Hague.

2.12.8 Provisions concerning taxes, environmental protection, employment protection, and employment conditions

Operators can obtain information on obligations resulting from provisions on tax, environmental protection, employment protection, and employment conditions as referred to in Section 2.81 of the Public Procurement Act 2012 that apply in the Netherlands at <http://www.rijksoverheid.nl> under 'Ministeries':

- with regard to taxes from the Ministry of Finance;
- with regard to environmental protection from the Ministry of Infrastructure and the Environment;
- with regard to employment services and employment conditions from the Ministry of Social Affairs and Employment.

By means of the ESPD the operator declares that he complies with all obligations under provisions on tax, environmental protection, employment protection, and employment conditions in force in the Netherlands. The submission of an incomplete or amended ESPD will lead to exclusion.

2.12.9 Withdrawal of and/or additions to the request to participate

A candidate may withdraw until such time as he submits a tender or until the closing date and closing time are reached.

No further additions may be made to a request to participate after the closing date and the closing time, unless the contracting authority has issued a request to that effect. The candidate cannot derive any selection right from such a request.

The contracting authority may require the candidate to explain his request in more detail, to add to it and/or to provide supporting documents. It is expressly noted that this does not amount to giving the candidate a second chance. An addition assumes that the content of the request to participate will remain unchanged and that the candidate will further specify his request to participate solely in respect of the requested elements so as to give the contracting authority a clearer picture of what has been offered.

2.12.10 Invalid request to participate

A request to participate will be declared invalid and consequently no longer considered for selection if:

- The request to participate has not been submitted in time; this is only possible in a situation in which the contracting authority has agreed to the request to participate being submitted by a means other than TenderNed. If the request to participate has to be submitted via

TenderNed, the closure of the digital safe means late submission of a request to participate is not possible;

- The request to participate does not comply with all the conditions and requirements set by the contracting authority as included in the tender documents with regard to the selection phase;
- The request to participate has been submitted conditionally or with reservations, or the requested information has not been provided, or the supplied information is incomplete or inaccurate.

In the case of an apparent omission or a minor error, however, the contracting authority may request the Tenderer to rectify the request to participate.

3. Requirements applicable to the candidate

3.1 Capacity of the candidate

Persons and legal entities may only submit a single request to participate, be it as an individual operator, a partnership, or a subcontractor; subcontractors and/or a third party/third parties may be used.

If a company is participating in the tendering procedure both as an individual operator and as a subcontractor to another operator, the contracting authority will only assess the request to participate in which the operator is participating as a subcontractor and this company's request to participate will be rejected and excluded from further participation in the tendering procedure.

A parent or holding company must not participate with multiple units of the same group or holding company, or have a participating interest in other companies submitting a request to participate. If multiple legal entities in a single holding company submit a request to participate, all these legal entities will be excluded, unless when submitting the request to participate it is demonstrated to the satisfaction of the contracting authority that sufficient and appropriate measures have been taken to prevent unfair competition. The following companies are viewed as a single unit:

- companies associated in the manner referred to in Section 2:24a of the Dutch Civil Code; or
- companies associated in a group as referred to in Section 2:24b of the Dutch Civil Code; or
- companies associated under foreign law comparable to Section 2:24a or 2:24b of the Dutch Civil Code.

3.1.1 Partnerships

Combinations of operators (Part II A 'Method of participation' European Single Procurement Document (hereinafter: ESPD)) can participate in this tendering procedure provided they do so in accordance with the principles of competition law (see: Policy Rules of the Minister of Economic Affairs of September 11th, 2009, no. WJZ/9153048, concerning the application by the Board of the *Nederlandse Mededingingsautoriteit* (Dutch Competition Authority) of Section 6 of the Competition Act with regard to Combination Agreements (Policy rules for Combination Agreements 2009), *Staatscourant* 2009, 14082).

3.1.2 Use of third parties

Technical competence

If the candidate uses a third party/third parties (including the holding company/group to which the candidate belongs) for technical competence, this must be stated in the ESPD (Part II C). The grounds for exclusion, performance conditions, and suitability requirements that apply to the candidate also apply to the third party/parties.

The third party/parties and/or subcontractor(s) which the candidate uses for technical competence must also actually perform the works to which such technical competence relates during the performance of the assignment, unless expressly stated otherwise.

Supporting documents to be submitted with request to participate

- Completed, unamended, and duly signed ESPD of such third party/parties;
- Proof of registration of the company in the national register of professions/trades (**Chamber of Commerce extract**) that is no older than six months on the date of submission of the request to participate. This proof must include the candidate's up-to-date details and the candidate must supply any additional documents evidencing the legal validity of the candidate's signature (bylaws, power(s) of attorney, etc.);
- Evidence concerning the suitability requirements for the technical competence for which the tenderer uses such third party/parties, as well as the suitability requirement(s) with regard to the market availability of the standard system.

Supporting documents to be supplied at the first request

- Evidence concerning grounds for exclusion of such third party/parties.
- Evidence concerning the suitability requirements for the technical competence for which the tenderer uses such third party/parties, as well as the suitability requirement(s) with regard to the market availability of the standard system.
- Marketing material and white papers regarding the standard available system.

Financial and/or economic strength

If the candidate uses a third party (including the holding company/group of which the candidate is part) for financial and/or economic strength, this must be stated on the ESPD (Part II C). The grounds for exclusion that apply to the candidate also apply to such third party.

NB: if a candidate is part of a group and its results are included in consolidated financial statements, the contracting authority considers that this constitutes use of the financial and/or economic strength of a third party (namely the consolidating company).

Supporting documents to be submitted with request to participate

- Declaration in accordance with Section 2:403(1)(f) of the Dutch Civil Code
Or
- Proof of registration of the company in the national register of professions/trades (**Chamber of Commerce extract**) that is no older than six months on the date of submission of the request to participate. This proof must include the candidate's up-to-date details and the candidate must supply any additional documents evidencing the legal validity of the candidate's signature (bylaws, power(s) of attorney, etc.).

Supporting documents to be supplied at the first request

- If no declaration has been submitted in accordance with Section 2:403(1)(f) of the Dutch Civil Code: All evidence concerning the grounds for exclusion of such third party/parties

3.1.3 Subcontractors

If during the performance of the assignment a candidate outsources parts of the assignment to subcontractors which he does not use to meet the suitability requirements, the candidate must name such subcontractor(s) and the tasks it/they will perform in the ESPD (Part II D).

3.2 European Single Procurement Document

The operator must complete the European Single Procurement Document (**ESPD appendix**), hereinafter ESPD, duly signed, and submit it with the request to participate.

By signing the ESPD the operator declares that none of the grounds of exclusion apply to him and that the operator fulfils the stated suitability requirements. Submitting the ESPD without a (legally valid) signature or making changes to the ESPD will lead to exclusion.

In the case of a partnership all participating companies must complete the ESPD, duly sign it, and submit it with the request to participate. This also applies to any third party/parties used to fulfil the suitability requirements, and to all subcontractors.

3.3 Grounds for exclusion

By submitting the ESPD with the submission of the request to participate, the candidate declares that none of the grounds for exclusion stated therein apply to the candidate.

If one or more of the grounds for exclusion stated in the European Single Procurement Document do nevertheless apply to the candidate, the request to participate may be excluded from further participation in the tendering procedure. The contracting authority must provide an opportunity for a candidate to whom a ground for exclusion applies as referred to in Section 2.86(1) or (3) or Section 2.87 to prove that he has taken sufficient confidence-building measures to demonstrate his reliability. If the contracting authority considers such proof sufficient, the candidate concerned will not be excluded.

Supporting documents to be submitted with request to participate

- An unamended ESPD that has been completed and signed by the legally valid representative(s) (**Appendix ESPD**);
- Proof of registration of the company in the national register of professions/trades (**Chamber of Commerce extract**) that is no older than six months on the date of submission of the request to participate. This proof must include the candidate's up-to-date details and the candidate must supply any additional documents evidencing the legal validity of the candidate's signature (bylaws, power(s) of attorney, etc.).

Supporting documents to be supplied at the first request

- A **declaration by the Tax Administration** showing that the candidate is fulfilling his obligations to pay tax or social security contributions, such declaration being no older than six months on the date of submission of the request to participate.

If a candidate is not based in the Netherlands and thus cannot issue the above supporting document, he may issue a sworn or solemn statement to a competent legal authority, notary, or competent professional organization of the country of origin or provenance.

In the case of a partnership, all participating companies must submit the requested supporting documents. This also applies to any third party/parties used to meet the suitability requirements.

3.4 Suitability requirements

The candidate declares by means of the ESPD (Part IV) that he fulfils the suitability requirements stated below.

If the candidate cannot fulfil one or more of the stated suitability requirements, the request to participate is excluded from participation or further participation in the tendering procedure. Suitability requirements relating to financial and economic strength may be set in accordance with Sections 2.90 and 2.91 of the Public Procurement Act 2012. Suitability requirements relating to technical and professional competence may be set in accordance with Section 2.93(a) to (l) of the Public Procurement Act 2012. This tender guide includes only the most common suitability requirements. An overview of possible suitability requirements can be found in the explanatory notes on the tender guide.

3.4.1 Professional competence

Registration in professional or trade register

The candidate's company must be registered in the professional or trade register in accordance with the regulations of the member state in which he is established.

Supporting documents to be submitted with request to participate

- Proof of registration of the company in the national register of professions/trades (**Chamber of Commerce extract**) that is no older than six months on the date of submission of the request to participate. This proof must include the candidate's up-to-date details and the candidate must supply any additional documents evidencing the legal validity of the candidate's signature (bylaws, power(s) of attorney, etc.).

3.4.2 Financial and economic strength

The candidate has insurance providing adequate cover for corporate liability towards the client, in any case up to an amount of €1,500,000 per loss event subject to an annual maximum of €2,500,000 for direct damage.

In the case of a partnership (combination), this requirement applies to the partnership as a whole if joint liability insurance has been effected, or individually for each member of the combination if there is no joint liability insurance.

Supporting documents to be supplied at the first request

- A copy of a recent, valid, and relevant liability insurance policy (no older than 12 months on the date of submission of the request to participate), or a declaration by the insurance company specifying the cover with regard to this liability. The requested policy or declaration must clearly show that the candidate is insured, both for his own acts/omissions and for the subcontractor(s) or third party/parties he employs.

3.4.3 Core supplier competence

The candidate has in-depth experience in the following fields. These competences must be demonstrable by previous delivery and references:

1. Solution delivery

Delivery and implementation of a hosted library services platform for large academic and/or national libraries in accordance with GDPR regulation.

2. Solution migration

Active assistance in migration projects between library systems and the library services platform, including large-scale data migration, configuration, and workflow transition.

3. Solution support

Supporting a large user base or community by active online support, up-to-date documentation and translation of community demand into solution development and a roadmap.

4. Solution maintenance and development

Proactive translation of common and upcoming international standards and technologies in information industry and library services into its solution development and roadmap.

5. Solution security

Demonstrable compliance with CSA STAR (Level 2) and/or ISO 27001 & 27018 by independent 3rd-party, typically by certification, the GDPR, the ePrivacy Directive and the Dutch ARBIT-2018 regulations.

Each competence must be accompanied by at least one reference. Should multiple competences be demonstrable by a single large solution delivery, then one reference will suffice in those cases. Each reference must refer to the competence it demonstrates.

A reference assignment must meet the following conditions:

- If references are used in which the candidate or subcontractor performed the reference assignment jointly with another supplier, the part performed by the candidate or the

subcontractor must be clearly stated. Only the part of the reference assignment actually performed may be used. If the candidate nevertheless wishes to use the full reference, the operator referred to in the reference must be used as a subcontractor in the performance of the present assignment.

- If a candidate relies partly on the technical competence of a third party/third parties for the assessment of the technical competence (references), the submitted references must clearly state which part of the assignment was performed by the candidate and which part by the third party concerned. Each reference must clearly state which organization performed the reference assignment. The third party used for a core competence must actually also perform the works to which such core competence relates during the performance of the assignment.
- The reference assignment must be current. That means the reference assignment was performed no longer than three years ago, or is being performed when the request to participate is issued. If the assignment used has not yet not been completed, only the results actually achieved under the current framework agreement may be cited.
- The candidate is aware of this and agrees that the contracting authority reserves the right, without the intervention of the candidate, to verify the accuracy of all information provided concerning the reference(s) (with the referee) and/or to request more detailed supporting documents from the candidate, such as proof of the duration of the framework agreement and proof of the size of the reference assignment.

Supporting documents to be submitted with request to participate

- For each reference assignment a completed and duly signed reference declaration in accordance with the format of **Appendix Reference format**.
Appendix Reference format to be appended to the tender documents.

Quality assurance

By submitting a request to participate, the candidate declares that his quality assurance system complies with the European NEN/ISO 9001:2015 series of standards or an equivalent quality assurance system.

Supporting documents to be supplied at the first request

- A copy of the most recent, valid quality certificate stating the year of introduction and expiration, issued by a certified body as referred to in Section 2.96 of the Public Procurement Act, or;
- If the candidate has an equivalent certified quality assurance system, based on a standard other than NEN/ISO 9001:2015: A copy of the certificate issued by the certifying body as referred to in Section 2.96 of the Public Procurement Act 2012 and substantiated explanatory notes detailing the points on which and the degree to which the system corresponds to and/or differs from the applicable NEN/ISO 9001:2015 system. These explanatory notes must cover the following subjects:
 - vision of quality assurance;

- quality assurance systems;
- procedure for handling anomalies;
- procedure for handling complaints;
- method of evaluation or self-evaluation and improvement measures;
- a declaration that the management endorses and verifies this description and working method;
- description of the quality assurance measures.

or;

- If no certificate can be supplied: A description of the measures showing that quality has been sufficiently assured and stating the measures taken to optimize quality. These explanatory notes must cover the following subjects:
 - vision of quality assurance;
 - quality assurance systems;
 - procedure for handling anomalies;
 - procedure for handling complaints;
 - method of evaluation or self-evaluation and improvement measures;
 - a declaration that the management endorses and verifies this description and working method;
 - description of the quality assurance measures.

3.5 Performance conditions

By submitting the ESPD with the request to participate, the candidate declares that this complies with the following grounds for exclusion.

If the candidate cannot fulfil the / one or more of the stated performance conditions, the request to participate will be excluded from participation or further participation in the tendering procedure.

4. Selection

The four candidates that end highest in the ranking will be selected for the award phase. The ranking is determined on the basis of the assessment of the selection criteria.

4.1 Selection criteria

For the assessment of the requests to participate, the selection criteria described in this section have been drawn up and are all assessed independently of each other.

Criteria

- The candidate supplier must be able to deliver the assignment as described in section 1.2. All objectives regarding 'cooperation', 'object', 'scope', and 'size' will be assessed.
- The candidate supplier must be able to demonstrate the competences as described in section 3.4.3.

4.1.1 Assessment

The selection criteria will be assessed using the method described in this section. The assessment will be conducted by the assessment team.

Assessment team

The contracting authority will appoint an assessment team comprising a number of persons whose professionalism enables them to assess the requests to participate against the selection criteria.

5. Summary of documents to be supplied

The tables below summarize which documents the candidate must submit with the request to participate, as well as the documents which must be supplied within seven days by the candidates whom the contracting authority intends to select.

| | With request to participate | At first request within seven calendar days |
|--------------------------|---|---|
| Grounds for exclusion | ESPD(s) Chamber of Commerce extract(s) Power(s) of attorney, bylaws, etc. <i>(if applicable)</i> | Certificate of Conduct for Procurement Declaration by the Tax Administration |
| Suitability requirements | 403 Declaration or declaration of joint and several liability, plus ESPD and Chamber of Commerce extract <i>(if applicable)</i> <Reference declaration(s)> | Liability insurance policy ISO 9001:2015 certificate or equivalent |
| Selection criteria | Answer for selection criterion no. 1 t/m 5 op blz. 23 | |

NB: this overview must match the requested grounds for exclusion, suitability requirements, and selection criteria

NB:

- If there is a partnership and/or if a third party or third parties is/are used to meet the suitability requirements and/or subcontracting takes place, an ESPD and Chamber of Commerce extract(s) must be submitted with the request to participate for all participants in the partnership and/or the third party or third parties used to meet the suitability requirements and/or subcontractors. In that case, the supporting documents associated with such ESPD(s) must be submitted at the first request within seven calendar days.
- The application procedure for the evidence in question (such as the Certificate of Conduct for Procurement) may take longer than seven calendar days; this may mean that the documents have to be applied for from the respective bodies earlier than the first request from the contracting authority.