

Selection act for the purpose of European Tender

Negotiated procedure with prior publication

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1 Definitions:

Contracting authority:	Erasmus MC
Procurements documents:	all documents in this public procurements procedure which have been brought into the procedure by the Contracting authority.
Public Procurement Act 2012:	Act of 1 November 2012, containing rules with regard to tenders.
Aon:	Aon Nederland CV.
Tender specifications:	the descriptive document contains the public contract, the necessary risk information and award criteria.
Appendix:	an appendix to the Procurements documents, which is an integral part of the Procurements documents.
Service provider:	each party who brings insurance services on the market.
Candidate:	an interested party who submitted a Request for participation.
Underwriting authority:	an authority who applied on behalf of the Service provider for the Selection act.
Tenderer:	a Candidate who submitted a Tender.
Tender:	the offer submitted by the Tenderer.
Negotiation procedure:	procedure involving a negotiation with selected Candidates.
Information Notice:	an addition to the published Procurements documents, which forms an indissoluble part of the procedure to share the questions of the Service provider and the answers of the Contracting authority with all parties.
Lot:	a separately to be awarded part of the contract, which is tendered at the same time as the other Lots in this procurement procedure.
Selection act:	the descriptive document in which the Contracting authority described and explained the contract, the public procurements procedure and the selection criteria.
Request for participation:	the request of a Candidate to the Contracting authority to be allowed to participate to this public procurement procedure.

2 Introduction

2.1 General

This is the Selection act belonging to the Negotiated procedure. The document contains information on the Tender procedure including the selection criteria. This procedure is subject to the provisions of the Public Procurement Act 2012 and the other legal and regulatory framework applicable.

The Negotiated procedure is selected because the requirements of the medical liability insurance is an extremely complex risk profile wherefor is no readily available solutions. The aim of this tender procedure is to select one suitable Service provider or several suitable Service providers with whom a contract regarding a medical liability insurance can be closed. All this in accordance with the requirements and wishes of the Contracting authority.

In the negotiation phase the Contracting Authority starts a negotiation about the appropriate insurance solution with each party separately. There can be several rounds of negotiations. After each round the Contracting Authority is allowed to modify the Tender specifications up to the final document. Accept the contract award criteria and minimum requirements. Of each negotiation the Contracting authority makes a report which is sent to the relevant Service providers. The selected Candidates will receive after each round an invitation to submit a Tender. The assessment of the Tenders will be based on the criterion best value for money. This criterion is elaborated in the Descriptive document.

A Request for participation may only take place in accordance with the conditions made in this Selection act.

By submitting a Request for participation the Candidate declares to agree unconditionally with this Selection act and the Appendices belonging thereto and all the administrative, legal and other conditions with regard to this tender procedure mentioned therein.

The conditions contained in this Selection act apply to all procurement documents and to the entire tender procedure.

2.2 Further provisions

2.2.1 Rights Contracting authority

The Contracting Authority is entitled to:

- withdraw the tender procedure of the contract;
- withdraw the tender procedure of a lot of the contract;
- not to award the contract;
- not to award a lot of the contract;
- adapt the tender procedure, including a change of the periods. The Contracting authority will inform all Interested parties/Candidates of this immediately through an Information notice.

- adapt the contract until 10 days before the last tender date at a detailed level. The Contracting authority will inform all Tenderers of this immediately through an Information notice.

2.2.2 Mail delivery

The risk of mail delivery lies with the Service provider during the entire tender procedure.

2.3 About the contracting authority

Erasmus MC is a public entity, a university medical center in which knowledge is developed and shared with future professionals. This knowledge is very broad and ranges from disease to health and individual and social health care.

The core areas of Erasmus MC are patient care, education and research.

In each (medical) department offers, besides academic patient care, education and research ranges from basic research to patient-related clinical research.

Erasmus MC encompasses a full spectrum of clinical services, including those provided by two specialist units operating under the Erasmus MC umbrella: Erasmus MC Sophia Children's Hospital and Erasmus MC Cancer Institute. The share capital of Erasmus MC's subsidiaries is owned by a parent company called Erasmus MC Holding B.V.

All relevant information on Erasmus MC can be found on and downloaded from the website www.erasmusmc.nl/overerasmusmc/.

2.4 About the contract

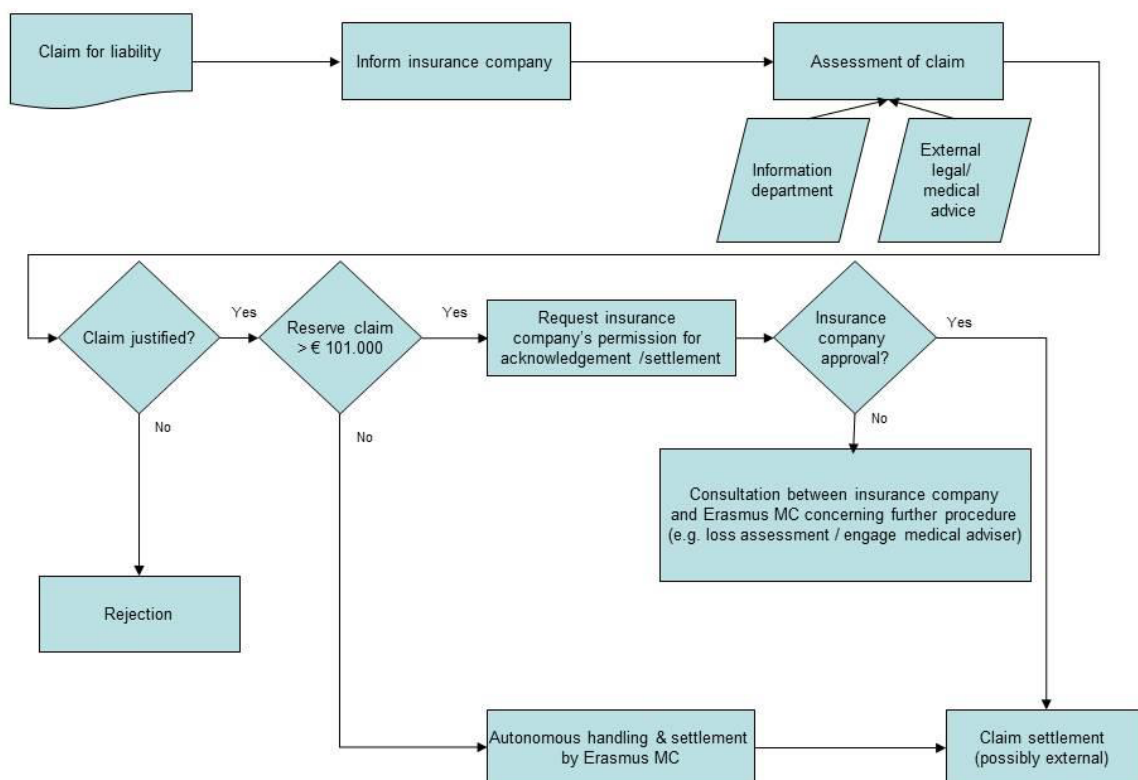
The contract concerns the placement of the medical liability insurance.

Erasmus MC wishes to take out (medical) professional liability insurance, with an inception date of 1 January 2022, which provides cover for loss and/or damage resulting from personal injury, mental injury, illness or death due to failure to provide adequate and appropriate treatment, error or negligence with regard to the performance of medical, nursing or care procedures. This liability insurance should also contain coverage for public liability as well as employer's liability and product liability in accordance to Dutch law and legislation.

Erasmus MC wishes to retain and continue the current process for handling and settling claims. Also see the flow chart below for an overview of the current process. Erasmus MC currently corresponds with the insurer in Dutch.

A precise description of the cover and process desired by Erasmus MC will be included in the Bidding Guidelines. The Bidding Guidelines will also offer the possibility of - optionally - providing insurance for the purpose of the Medical Research (Human Subjects) Act (Clinical Trial Insurance).

Flow chart showing claims handling & settlement in current situation :



3 The procedure

3.1 Planning

The table below contains the most important dates for this tender procedure. The Contracting authority reserves the right to adapt the planning and will inform the Candidates of this forthwith.

Activiteit	Datum
Phase 1:	
Announcement	21 May 2021
Deadline for submitting questions	4 June 2021
Sending notice of information	11 June 2021
Final deadline for submittnmg request to tender	21 June 2021
Announcing preliminary selection	24 June 2021
Announcing final selection	9 July 2021
Phase 2:	
Announcement selection and sending invitations for submitting a tender based upon preliminary descriptive document	14 July 2021
Final date submitting questions regarding preliminary descriptive document	28 July 2021
Final date Notice of Information	2 August 2021
Final date submitting first tender	31 August 2021
Phase 3:	
Negotiation period	01 September 2021 - 08 September 2021
Sending final descriptive document	15 September 2021

Final date for submitting final tender document	30 September 2021
Phase 5:	
Assessment final tender documents	1 October 2021
Gunningsfase 6:	
Sending notification of intended awarding (commencing date objection period)	21 October 2021
Announcing definite award	22 October 2021
Commencing date contract(s)	01 January 2022

3.2 Contact

3.2.1 Questions/remarks

The Candidates are given the opportunity to ask questions with regard to the Selection act and to communicate possible remarks. Any questions and possible remarks can only be sent to the contact address as referenced in paragraph 3.2.1 stating the name of the Invitation to Tender: **Medical Liability Insurance Erasmus MC**.

The questions and/or remarks shall be anonymously answered in an Information Notice. The Information Notice shall be distributed simultaneously to all Service Providers involved. This process aims to remove ambiguities in the Invitation to Tender documents and prevent incorrect interpretations of those documents. In case of more inconsistency between the Information Notices, the most recent Information Notice shall prevail.

3.2.2 Digital correspondence

All communication with regard to this invitation to tender procedure **has to take place digitally through TenderNed**. Any communication about this invitation to tender procedure should contain the projectname: **Medical Liability Insurance Erasmus MC**. Questions asked by telephone shall not be taken into consideration. Interested parties and Candidates are requested not to save questions until the final date for asking them.

Aon will support this tender procedure on behalf of the Contracting Authority. On behalf of Aon the contact will be:

Name : Selma Kemper
Tel. : 0031 630639218
Email : selma.kemper@aon.nl

Address:
Admiralteitskade 62
3063 ED Rotterdam

All correspondence concerning this tender procedure takes place with Aon and not with the Contracting authority.

3.2.3 Timely Tender

The risk of submitting the Request for participation and the Tender in a timely fashion (both digitally and physically) lies with the Service Provider throughout the whole Invitation to Tender procedure.

3.3 Contents of the Request for participation

The Request for participation - exhaustively - comprises the following documents:

- the legally valid signed and completed European Single Procurement Document (Appendix 1);
- a completed Reference statement (Appendix 3);

If applicable the Request for participation also comprises:

- in case of a Consortium: the legally valid signed and completed form European Single Procurement Document (Appendix 1) by each separate alliance partner;
- the legally valid signed and completed Letter of authorisation (Appendix 2). The Authorised agent shall draw up a European Single Procurement Document with regard to his underwriting agency and with regard to his parties giving the authorisation (see chapter 4 and the Letter of authorisation).
-

3.4 Submission rules Request for participation

Submission of the Request for participation has to take place in accordance with the rules below:

- The Request for participation is only valid if Appendix 1 (European Single Procurement Document) is fully completed, signed and attached.
- The Request for participation has to be submitted at TenderNed.
- The Request for participation shall be in the English language.
- A Request for participation which is received after the closing date shall not be taken into consideration.
- Amounts shall be mentioned in Euros (excluding V.A.T. and/or excluding insurance tax).
- The risk of submitting the Request for participation in a timely fashion (both digitally and physically) lies with the Service Provider throughout the whole Invitation to Tender procedure.
- Requests for participation that are not submitted according to these rules shall be excluded from participation.
- After receipt of the Request for participation Aon shall issue a confirmation of receipt.
- Questions asked by telephone shall explicitly not be taken into consideration. Candidates are requested not to save questions until the final date for asking them.

4 Requirements

4.1 Introduction

In this chapter is indicated with which requirements the Service provider should comply in order to be eligible for an invitation to participate in the tender phase, failing which he/she will be excluded from the Tender procedure, unless indicated otherwise.

4.1.1 Request for participation submission manner

Candidates can submit a Request for participation in this invitation to tender procedure in the following manner:

- A Candidate can request to participate independently to this contract; or
- A Candidate can be represented by another party; or
- A Candidate cooperates with another Interested party (of the same level) and enters into a partnership, which is denominated a Combination in this document.

A Candidate can only submit one Request for participation and/or Tender for this contract. In that respect businesses of the same concern shall be deemed to be one and the same business, unless they can substantiate sufficiently that the separate Requests for participation and/or Tenders have been drafted independently of each other and the competition has not been adversely affected by it.

4.1.2 Terminology

The terminology used in the Public Procurement Act 2012 does not fit perfectly with the insurance sector. Therefore this document describes exactly what should be understood by the different terms.

With an insurance contract, an agreement is made between an insurer and the Contracting authority. This means that an insurer can request to participate on the insurance contract. An insurer can also be represented by an Authorized Agency, who can request to participate on behalf of the insurer. In that situation the insurer is the main contractor and the Authorized Agency is the subcontractor, according to public procurement law.

With an insurers contract as the one at hand it is possible to:

- Form a Combination;
- Rely upon third parties;
- Engage a subcontractor.

Below these terms are clarified and discussed with reference to insurance law aspects.

4.1.3 Combination (partnership)

It is permitted to submit a Request for participation as a Combination. A Combination of businesses may submit a joint Request for participation as a single Candidate. In that case,

each of the businesses is not permitted to submit the Tender separately, alone or in combination with others.

Together with the Request for participation, each member of the Combination is required to submit a signed European Single Procurement Document. The members of the Combination are jointly and severally liable (Note: the joint and several liability concept does not apply to insurers, see hereafter) for any loss arising from or in relation to the to be tendered contract in case of failure to comply with the agreement. The name of the business that will act as representative on behalf of the Combination shall be mentioned, for that business shall be authorised to represent and to commit the Combination in all respects.

The amount of Combinations can be limited to a maximum of 2. The requirements imposed in chapter 4 apply for each of the businesses in a Combination separately. In the European Single Procurement Document this should be mentioned in Part II A “Manner of participation” (page 3).

Particulars in insurance situation

A Combination is only possible if the Combination consists of equal parties (depending on the requested service). A combination of an insurer and a broker is not permitted. This also applies to the combination of an authorised agent and a broker.

Note:

A combination as per public procurement law is not usable within insurance law. The insurer is only responsible for the execution of the percentage for which he carries the risk and cannot be held jointly and severally liable for the total risk. However, the situation could occur that one insurer applies for one part (for example 50%) and another insurer for another part. In case these two (or more) insurers should want to apply jointly, this can be done by a Combination, with the observation that each insurer is only responsible/liable for their own percentage.

4.1.4 Rely on third parties

A Candidate can rely on the qualifications/resources of third parties with regard to the requirements applicable to this tender procedure if the Candidate does not independently comply with the requirements.

The Candidate warrants that the third party fulfils all requirements applicable to this tender procedure with regard to these parts of the contract that the third party shall perform. The Contracting authority reserves the right to check this warranty for correctness. The Candidate is liable for the acts and/or omissions of the third parties he engages and shall bear full responsibility, therefore.

In order to prove that a candidate complies with the suitability requirements a candidate may, in addition to his own competence, only appeal to the competence of a third party, if and in so far as the candidate proves that such third party committed itself unconditionally towards the candidate to deploy the resources required for carrying out the contract (in the widest sense, also including: knowledge, manpower and equipment).

The Candidate has to prove this during his Request for participation by submitting a written and legally validly signed contract to such end between the Candidate and the third party in question. The third party in question has to be employed actually and accordingly whilst carrying out the contract.

If the service provider wants to have the contract wholly or partially carried out by a third party not presented at the time of the selection he has to submit this for approval to the Contracting authority prior to the deployment of the third party. The Contracting authority may refuse such approval in a substantiated way. In the Single European Procurement Document, this should be mentioned at Part II C on page 5.

Particulars in insurance situation

If an Authorized Agent wants to rely on a broker for the execution of certain activities, this should be mentioned at the rely on third parties. Also, if an insurer wants to engage a broker as third party with an insurance contract, this should be mentioned.

The Candidate should mention this at the Single European Procurement Document. Furthermore, the business that is being relied upon should fill in a Single European Procurement Document as well.

4.1.5 Subcontracting

In this document subcontracting refers to the Authorised Agent and other subcontractors.

Authorised agent

In case of a Request for participation from an Authorised Agent the Authorised party will have to complete a Single European Procurement Document which proves that the principal(s) each separately comply with the requirements as per this Selection act. In addition the Authorised party, with regard to his authorised agency, has to:

- a. declare that he has a permit, as per the Dutch Act on Financial Supervision (Wft) or similar foreign laws and regulations;
- b. declare that no circumstance as mentioned in section 2.86 Public Procurement Act 2012 presents itself by completing the Single European Procurement Document in the indicated way;
- c. declare that no circumstance as mentioned in section 2.87 Public Procurement Act 2012 presents itself by completing the Single European Procurement Document in the indicated way;
- d. comply with the requirements in chapter 4 of this Selection act, with the exception of the financial requirements as mentioned in paragraph 4.6.

By signing the Single European Procurement Document the Authorised party warrants that his authorised agency and the principal(s) giving the authorisation (as specified in the Letter of authorisation) comply with the requirements as per this Selection act and that he is authorised to participate in the present tender on behalf of these principal(s). Not complying with the above implies exclusion from the tender. In the Single European Procurement Document, this shall be filled in at Part II D.

Other subcontractors

If an insurer or an Authorised agent on behalf of the insurer (for example in the event of a claim) relies on a claims settlement or expertise agency, part II D shall be filled in.

Particulars in insurance situation

The public procurement provisions cause the activities of an Authorised Agent to be qualified as activities that are performed in subcontracting¹. on behalf of the insurer (for example in the event of a claim) relies on a claims settlement or expertise agency, part II D shall be filled in.

¹ See advice 411 Commission experts on Procurement law

4.1.6 Overview manner of application

Request for participation submission manner	Instructions
Enter as Combination.	Each party should submit a filled in and legally signed Single European Procurement Document. At part IIA each party fills in “yes” and mentions the names of the other parties in the combination.
Rely on the financial economic strength of a third party	Tick “yes” in part IIC and fill in the name of the third party on whose financial strength you are relying.
Note! If a Tenderer wants to/should rely on a third party for requirements of which the supporting documents shall be submitted later (like for example certificates) then the Single European Procurement Document should be submitted completed and legally validly signed at the Tender.	Let the third parties whom you rely on fill in a Single European Procurement Document (at least the parts IIA, IIB and III) and let them sign it in a legally valid manner and then submit it with the Tender.
	Mention the specific strength that the business is relying on for each of the entities concerned.
Rely on the technical competences or resources of third parties (for example: comply with a requested core competence, quality system and/or certification).	Tick “yes” in part IIC and fill in the name of the third party on whose technical competences or resources you are relying.
Note! If a Tenderer wants to/should rely on a third party for requirements of which the supporting documents shall be submitted later (like for example certificates) then the Single European Procurement Document should be submitted completed and legally validly signed at the Tender.	Let the third parties whom you rely on fill in a Single European Procurement Document (at least the parts IIA, IIB and III) and let them sign it in a legally valid manner and then submit it with the Tender.
	Mention the specific strength that the business is relying on for each of the entities concerned.
A Request for participation with deployment of a subcontractor who is not relied on for financial strength or technical competence.	Tick “yes” in part IID of the Single European Procurement Document and fill in the name of the specific subcontractor.

4.2 Exclusion grounds

4.2.1 Grounds for exclusion section 2.86 Public Procurement Act 2012

The Candidate is excluded from (further) participation in the tender procedure if on the day of the tender or on the day of awarding of the contract, he finds himself in one or more of the circumstances referred to in section 2.86 Public Procurement Act 2012 (mandatory grounds for exclusion), all this subject to what has been provided further in the act.

4.2.2 Grounds for exclusion section 2.87 Public Procurement Act 2012

The Candidate is excluded from (further) participation in the tender procedure if on the day of the tender or on the day of awarding of the contract, he finds himself in one or more of the circumstances referred to in section 2.87 Public Procurement Act 2012 (optional grounds for exclusion), all this subject to what has been provided further in the act.

In evidence of the fact that the circumstances mentioned under paragraph 4.2.1 and paragraph 4.2.2 have not arisen, the Candidate must, within seven calendar days after the request thereto by the Contracting authority, submit the documentary evidence as meant in section 2.89 Public Procurement Act 2012.

4.3 Entry in the professional/trade register

The Candidate has to be entered in the professional or trade register according to the regulations of the member state in which he is established.

This requirement does not apply in respect of Candidates who have not been entered in such a register and who are able to prove that this is not compulsory in accordance with the legislation of the country of establishment. In such cases submitting a statement under oath or affidavit is required.

With his Request for participation the Candidate confirms that he has such extract at his disposal.

As evidence of the fact that the Candidate meets this requirement, he shall within seven calendar days after a request thereto by the Contracting authority, submit an extract of the entry in the professional or trade register, which may not be older than six months at the moment of Tendering.

4.3.1 Permit

Before the execution of the contract, the Candidate shall be in possession of the necessary permits to undertake insurance business in the Netherlands, as laid down in the Dutch "Wet op het Financieel Toezicht" (Act on Financial Supervision; Wft) or equivalent foreign financial supervision legislation and/or regulations.

With his Request for participation the Candidate confirms that he possesses the necessary permits.

As evidence of the fact that the Candidate meets this requirement, he shall within seven calendar days after a request thereto by the Contracting authority, submit a copy of the permit, which shall not be older than six months prior to the date of the intended award decision, and which proves that the Candidate complies with the requirement imposed.

4.4 Language fluency

The employees to be deployed by the Candidate shall be fluent, both verbally and orally, in the Dutch or English language, preferably in Dutch.

With his Request for participation the Candidate confirms that he deploys the necessary employees who are fluent in the Dutch or English language, preferably in Dutch.

4.5 Financial requirements

On the date of application and on the commencing date of the insurances the Candidate must have a financial rating of at least BBB in accordance with Standard & Poor's, or an equivalent rating from another rating agency or an equivalent financial position demonstrable in another way.

With his Request for participation the Candidate confirms that he has the necessary financial rating.

4.6 Technical competence

4.6.1 Required experience

On pain of exclusion, the Candidate shall have acquired sufficient demonstrable experience over the past three years prior to the date of the invitation to tender, with:

- the (administrative) handling of an insurance contract of the same extent or of a principal comparable to the Contracting authority;
- the claims handling during the duration of an insurance contract of the same extent or of a principal comparable to the Contracting authority;

The Candidate must within seven calendar days after receipt of the request thereof from the Contracting authority, for each experience requirement mentioned, submit documentary evidence of one comparable contract, containing the following information:

- brief description of the contract
- name of principal
- period

4.6.2 Required professional competence

The Candidate has sufficiently expert staff both at the underwriting department and at the claims department with experience in an insurance contract of the same extent. At the request thereto by the Contracting authority the Candidate shall within seven calendar days after receipt of such request demonstrate the competence of its staff. The Candidate shall comply with this requirement by submitting a summary of the names and professional qualifications of the staff to be entrusted with the execution of the contract.

4.7 Insurance conditions

The Candidate shall consent to the insurance conditions as included in the Descriptive document or offer equivalent conditions. In case the Candidate does not consent, he shall include the insurance conditions he would like to apply with possible extra clauses as Attachment to his Tender. The responsibility for comparing the insurance conditions shall lie with the Candidate/Tenderer and shall be supplied in an overview. The Contracting authority will judge the overview on equality. Furthermore, the Tenderer shall give his reasons on the Tender documents for not being able or wanting to comply with the requested insurance conditions.

4.8 Sustainability report/social report

The Candidate shall have a sustainability report/social report on the date of the Tender and on the inception date of the insurance.

At the request of the Contracting authority the Candidate shall provide this report within 7 calendar days after receipt of such request.

The Candidate declares at its Request for participation that he has a sustainability report/social report.

4.9 Means of proof

The Tenderer to whom the Contracting authority intends to award the contract has to submit, within seven calendar days after the request thereto by the Contracting authority, means of proof with respect to the exclusion grounds mentioned in chapter 4.

The Contracting authority reserves the right to check all details for correctness and to approach the specified references for this check prior to the award.

4.10 Prioritisation

In case of inconsistencies in the text of the Tender documents the following priority rules apply:

- Information Notice; In case of more Information Notices and inconsistencies between the Information Notices, the most recent Information Notice shall prevail.
- Tender documents (Selection act, Descriptive document, etc.).

5 Award criteria

Further information about the interpretation and weighting of the Award criteria will be included in the Descriptive Document.

6 Other procedural stipulations

6.1 Method of assessment Request for participation

The Requests for participation are assessed in the following manner:

Step 1

The information provided by the Candidate with the Request for participation is assessed for completeness. If the requested details cannot be submitted, the Candidate must indicate the reason for this. The Contracting authority may consider allowing the shortcomings in the submitted details to be corrected by the Candidate, or to disqualify the Candidate from further participation in the procedure.

Step 2

It is verified whether the Candidate complies with the requirements set in chapter 4. Failure to comply with these requirements may result in disqualification.

Step 3

All Candidates who comply with the set requirements are selected and are invited to submit a Tender based on the Descriptive document.

6.2 Complete, correct and legally valid

If a Request for participation or a Tender is not complete, correct or legally valid, the Contracting authority is entitled to disregard such Request or Tender and not to take it into account when assessing. A conditional Tender shall be deemed not to have been made and shall not be qualified for awarding.

6.3 Errors, contradictions and the like

All Tender documents have been drawn up with the greatest possible care. If nonetheless a Candidate/Tenderer discovers errors, illegalities, irregularities, contradictions or unclear elements (hereinafter: errors), he has to inform the Contracting authority of this as soon as possible but at the latest within 7 calendar days after receipt of the Tender documents. If the Candidate/Tenderer did not inform the Contracting authority in time, such Candidate/Tenderer shall have no case in any (subsequent) claim addressed against aforementioned errors.

If a Candidate/Tenderer believes that in the Tender documents one or more requirements have been included of which - for a duly experienced, expert and well-equipped business or collaborative venture of businesses - in implementation of the contract compliance is impossible or unreasonably prejudicial, so that compliance with such requirement(s) in implementation of the contract cannot reasonably be demanded, such Candidate/Tenderer will have to report this at once in writing in a reasoned way to the Contracting authority. Such notice must be given at the latest within 7 calendar days after receipt of the Tender documents. If the Candidate/Tenderer did not inform the Contracting authority in time and in the prescribed manner such Candidate/Tenderer shall be declared inadmissible to the (subsequent) claim addressed against the requirements in question.

6.4 Complaints and the complaints committee

A Tenderer who has a complaint about this procurement procedure, the Invitation to Tender or an annex may submit this complaint, explaining the reasons for it, to the Erasmus MC Procurement Complaints Committee. For more information reference is made to TenderNed.

The Complaints Committee will send the complainer within two working days after receiving the complaint an email confirmation. The complainer will also receive in the same two working days the decision by email from the Complaints Committee.

The submission of a complaint will not suspend the procurement procedure. It is up to the Contracting Entity to decide whether to stop, suspend or continue the procurement procedure.

6.5 Applicable law and disputes

This invitation to tender procedure including the Tender documents belonging thereto and the resulting contract are subject to Dutch law, including the usages applicable in the Dutch insurance practice.

Disputes between the parties involved in the tender, arising as a result of this tender procedure, must be submitted to the competent court in the district where the Contracting authority is established.

The Candidate/Tenderer shall lose his right to submit the disputes described above to the competent court and its case shall therefore be declared inadmissible, if the dispute is brought to the court later than 20 calendar days after the date of the intended awarding.

The Candidate/Tenderer to whom the Contracting authority intends to award the contract may intervene as an interested third party in any legal proceedings.

6.6 Confidentiality

The submitted Requests for participation, Tenders and other documents will be dealt with in strict confidence by the Contracting authority. The Candidate/Tenderer shall employ the same degree of confidentiality for both the Selection act and the Descriptive document.

6.7 Intellectual property

The Candidate/Tenderer shall grant the Contracting authority the right to use, process or model ideas, suggestions, (textual) proposals, drawings and other information and documents provided within the framework of this tender procedure, even if the contract is not in the end awarded to the Candidate/Tenderer. The use, processing or other modelling does not entitle the Candidate/Tenderer to any remuneration under whatever name or title.

6.8 False statements

The Contracting authority explicitly points out that statements which – whether or not – subsequently turn out to contain inaccuracies or undertakings which are not (cannot be) met, shall be identified by the Contracting authority as 'false statements' within the meaning of section 2.87 subsection 1e Public Procurement Act 2012. This may result in exclusion from further participation in this and future tender procedures from the Contracting authority. Should

it appear after awarding that it took place on the basis of 'false statements', the contract may be dissolved by the Contracting authority, without the Contracting authority being required to pay any compensation. On the other hand the Candidate/Tenderer who issued a 'false statement' shall be liable for all direct and indirect losses sustained or to be sustained by the Contracting authority as a result of this.

6.9 Claims from Candidates/Tenderers

The Candidates/Tenderers may not derive any right from their Requests for participation/Tender and the intended awarding in respect of the actual acquisition of the contract. Costs which must be made in drawing up the Request for participation and the Tender are not compensated by the Contracting authority.

The Contracting authority reserves the right to temporarily suspend or definitively terminate the tender procedure. For the sake of good order, it is stated that also in that case, the Contracting authority will not compensate any costs made or loss sustained by the Candidate/Tenderer.

7 Descriptive document information (to prepare for the submission phase)

7.1 Leading and/or to-follow insurer

For this procurement procedure the insurance coverage is 100%. See appendix 4. Tenders who do not comply with this requirement will be set aside.

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Appendix 1 Single European Procurement Document

The Single European Procurement Document must be completed fully and must be sent as a separate attachment.

The signing of the tender documents shall apply as a signing of the Single European Procurement Document.

Appendix 2 Letter of authorisation

In case of an application by an Authorised agent, a statement will have to be made of the powers of representation awarded to him in the statement below.

LETTER OF AUTHORISATION	
Insurer giving powers of representation	Share

The undersigned declares that he has completed this statement and the Single European Procurement Document (both with regard to his Authorised agency and with regard to the insurers giving powers of representation) truthfully, and also that he is authorised to participate in this tender procedure on behalf of the insurers mentioned in this form.

Name authorised agent :

Contact :

Date :

Place :

APPENDIX 3 Reference

The References should be added as separate attachments

1. Brief description reference contract and contract value
2. Contract value
3. Name principal

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