



## **Complaints protocol Tenders**

### **General**

Entrepreneurs who have an interest in this Tender can submit a complaint. These are interested entrepreneurs, (potential) tenderers, candidates insofar as it concerns a non-public tender, subcontractors of (potential) tenderers and candidates and sector organizations and sector-related advice centers of entrepreneurs. Subcontractors can file a complaint insofar as they do not complain about the main contractor – subcontractor relationship.

Not every question has to result in a complaint and not every complaint has to lead to going through the complaint handling procedure described below. Questions and requests aimed at clarification of aspects of the tender must be submitted by the entrepreneur to the Contracting Authority in good time so that it can respond to them in the Information Memorandum.

### **Complaint handling procedure**

1. Complaints can only be submitted by e-mail to [complaints.inkoop@minienw.nl](mailto:complaints.inkoop@minienw.nl), stating:
  - date of submission
  - name, place of business and trade register number of the complainant
  - name and address (including email) of the complainant's contact person
  - title and TenderNed number of the tender to which the complaint relates
  - name and address of contact person of the Contracting Authority
  - reasoned description of the complaint
  - description of the way in which the complaint can be resolved.
2. The person submitting the complaint makes it clear:
  - that it concerns a complaint
  - what he complains about
  - how he thinks the bottleneck could be resolved, and
  - whether the complaints procedure within the meaning of Title 9.1 of the Awb must be applied.
3. The complaints hotline immediately confirms receipt of the complaint and informs the person who submitted the complaint about the further process of handling the complaint.
4. If necessary, the complaints hotline may ask for additional information.
5. The complaints hotline coordinates the substantive investigation within its own organization.
6. The complaints hotline offers the reporter the opportunity to explain the complaint orally.
7. If the substantive investigation shows that the complaint is justified or partially justified and corrective or preventive measures must be taken, or shows that the complaint is unfounded, the complaints hotline will advise the responsible director who will decide on the complaint.



8. The decision will be communicated in writing to the person who submitted the complaint as soon as possible, but no later than within 6 weeks. The other candidates or tenderers will also be informed if the complaint is justified or partially justified.
9. If it sees reason to do so, the complaints hotline can submit it to the Commission of Tendering Experts for advice or mediation before a decision is taken on the complaint.

Following the decision of the Contracting Authority or in the absence of a timely decision, the person who submitted the complaint can submit it to the Committee of Tendering Experts.

**Please notice:** Submitting a complaint does not stop the tendering procedure, unless the Contracting Authority explicitly decides to suspend the procedure. A decision to suspend will be announced in writing.