



Annex 3B. Program of Requirements and Sub-award Criteria Lot 2: Inspections

Subject : **Nuclear Advisory Services ANVS 2021**

According to a : **Public European Tender Procedure**

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1.1 Program of Requirements

This section describes the Requirements. All the Requirements mentioned in this section are knock-out criteria. If you do not agree or only partly agree with one or more Requirements from this section, the Tender is invalid and will not be evaluated further. You will therefore not be eligible for the award of the contract. By submitting a Tender, the Tenderer unconditionally agrees to the stipulated Requirements

Number	Description of Requested Service
S-1	If Contractor issues an order on behalf of Client, Contractor shall conform to - and act in full compliance with - the applicable laws and regulations.
S-2	As the Contractor, you are able and willing to provide, during the term of the Agreement, the requested work and services in the various fields of work as described in chapter 3 of the Descriptive Document at the request of the Client.

Number	Description Legal requirements
L-1	All information submitted by the Tenderer has been filled in truthfully and can be relied upon by Tenderer. Client reserves the right to claim damages and/or terminate the contract in case of incorrect and/or incomplete information and/or inability to fulfill what was offered by a Tenderer
L-2	Tenderer unconditionally agrees to the provisions of the Descriptive Document including any changes made known by Notice of Inquiry and all related appendices as well as the draft Agreement, to which only the General Conditions of Government Procurement for Services (ARVODI) 2018 apply.
L-3	Tenderer declares that the Tender has been signed by the person(s) who can legally represent Tenderer's organization for this tender and is authorized/ mandated to do so.

Number	Description requirements Personnel and Organization
PO-1	In addition to article 13 ARVODI: Tenderer declares that advisers of Contractor will treat all confidential and sensitive information confidentially.
PO-2	The adviser(s) to be engaged shall meet the minimum qualifications applicable to the lot. The adviser(s) has sufficient knowledge and experience to properly complete the assignment.
PO-3	The Contractor shall ensure that it and its employees comply, and continue to comply, with all existing and new applicable laws and regulations. Consideration may be given to new diploma requirements that will come into force after Tendering for this Tender. For example, the Contractor must have employees who comply with the new laws and regulations as of February 6, 2018 Diploma in Radiation Protection (or equivalent) at the level of coordinating expert.
PO-4	The Client may require the advisers deployed by you to submit a Certificate of Good Conduct (VOG) prior to the commencement of the assignment. Contractor will cooperate in this.
PO-5	If the Client is of the opinion that an adviser does not or no longer meets the qualifications assigned to him, or is not willing or able to properly perform the Services, depending on the nature of the house rules or repeatedly acts in violation of the house rules of the Client or in any other way violates the confidence of the Client, the Client is entitled, after evaluation of the Services, to require the consultant to be replaced at the first request of the Client.
PO-6	Tenderer agrees to provide Client with an Integrity Statement signed by the individual employee to be deployed, if requested, prior to the deployment of employees. The format is included in Appendix 8. Model Integrity Statement Rijk for external parties and in Annex 9. Code of Conduct Integrity Central Government
PO-7	Tenderer certifies that Contractor employees to be deployed are proficient in the English language in both word and writing.



PO-8	Tenderer declares that it is aware that, upon entering locations of the Client, employees of the Contractor deployed must identify themselves by means of a valid identification document.
PO-9	(Employees of) Contractor shall conform to the access policy of the relevant Participant.
PO-10	Tenderer agrees that Contractor and deployed employees of Contractor should be aware of and adhere to the house and conduct rules within the Client's locations.

Number	Description of independence and conflict of interest
ICI-1	The professional independence of your services to the Client is guaranteed in the context of the assignments to be carried out by you. The adviser to be deployed by you on an assignment or your organization may not have a conflict of interest when carrying out an assignment. You shall immediately report any appearance of dependence or conflict of interest to the Client. In particular, the Contractor may not perform work and/or be indirectly involved in work relating to the Contractor's file that, as a licensee, is under the Client's supervision. The Contractor is also not permitted to perform activities on files of third permit holders or third parties who have submitted a permit application to the ANVS and for whom the Contractor has advised on the permit process.
ICI-2	For each Tender, you will state whether, in your opinion, there is a potential dependency or conflict of interest. If, in the opinion of the Client or the Contractor, a (potential) conflict of interest or (potential) dependence exists in the case of a concrete contract, the parties will agree on measures to end or prevent this undesirable situation.
ICI-3	The Client is entitled to demand that the Contractor replaces the consultants to be deployed. The Client shall also be entitled to award the contract to an (independent) third party. If the assignment has already been granted to Contractor, both parties shall be separately entitled to terminate this assignment with immediate effect.

Number	Confidentiality
C-1	Your staff members are, just like staff members of the Client, bound by the general provisions regarding confidentiality (in accordance with Article 13 ARVODI-2018). In addition to this, Client has the right to make further and more assignment-specific agreements on confidentiality with your staff members who are deployed at/for Client.
C-2	Employees of the Contractor will treat all confidential and sensitive information, of both a commercial and a public nature that comes to their knowledge during the execution of the Agreement with confidentiality. This also includes collections of information that arise from the aggregation and combination of, in principle, public information and which must be regarded as sensitive.
C-3	Contractor including its personnel (own and hired) shall observe strict confidentiality with respect to information obtained as a result of all activities performed on behalf of Nuclear Advisory Services. Confidential information shall not be shared with third parties (to this end, Contractor shall have advisers to be engaged sign a confidentiality statement and include it in the personnel file. Contractor is obligated to provide these statements upon initial request by Client within 24 hours of request).
C-4	A VOG may be required of the adviser who meets the specific requirements due to security reasons and the adviser may not be deployed until the Client has received the VOG. The adviser may also be required to sign a confidentiality agreement due to sensitive information in the case. Tenderer will fully cooperate with this should this be requested by the Client. Here too, the adviser may not be deployed until after the Client has received the signed confidentiality declaration. In specific cases, advisers must be prepared to undergo screening (security screening) and/or to sign an additional confidentiality agreement. The Client is entitled to subject the adviser(s) deployed or to be deployed by the Contractor to a security screening in accordance with the Client's usual rules. The Contracted Party and the adviser are obliged to cooperate fully with such an investigation. The Client will have the right to refuse to deploy an adviser at the Client's location without stating its reasons. The adviser can only be deployed if she/he is in possession of a statement of no objection, which will be issued after positive completion of the security screening.



Number	Specific requirements related to the services and products to be provided (written end products)
SP-1	If data for research are collected directly from a respondent, the respondent should be informed, at the time of data collection from that respondent, of (a) the purpose of research, (b) who the research organization is, and (c) the name of the sponsor. Upon the respondent's request, further information should be provided as to where further information may be obtained.
SP-2	The Intellectual Property (IP) of the end products will be vested in the Client.
SP-3	Formal external correspondence to be sent on behalf of the Client (by you), will only take place after approval of the responsible contact person of the Client on the content and form of this correspondence.
SP-4	The execution of orders may involve the exchange of special information, i.e. information to which knowledge by unauthorized persons may adversely affect the interests of the State, its allies or one or more ministries. The security of special information is governed by the provisions of the Government Information Security Regulations for the Civil Service - Special Information 2013 (VIRBI 2013). The VIRBI 2013 can be consulted at: http://wetten.overheid.nl/BWBR0033507/2013-06-01. The most recent version of this provision applies. When special information is brought outside the Rijksdienst, such as the exchange of special information to you, the security requirements applicable to the Rijksdienst and the supervision thereof remain in force. The provisions of the VIRBI 2013 also apply by analogy to you, including any third parties to be used on your behalf, in assignments involving the application of special information, unless the client gives you written permission to deviate from certain provisions.
SP-5	The information obtained by you during assignments and taken to your knowledge, the confidential nature of which you know or can suspect, may not be used or distributed by you for other purposes without the permission of the Client.

Number	Description Requirements Reporting
R-1	Tenderer agrees to provide management reports at specified frequency. After final award, further agreements will be made regarding desired reports and frequency.

Number	Description requirements Pricing
Pr-1	The rates offered (excluding VAT) in the Tenders (for Lot 2) are both on the basis of hourly rate, daily rate (based on 4 hours) and daily rate (8.00-17.00). In addition, the Tenderer must make clear how these rates differ outside office hours (evening hours and weekends). The following costs are in any case included: the salary costs, employer's costs for risk coverage (including premiums, insurances and employer's contributions payable by law), domestic accommodation costs, parking costs, overhead costs (such as accommodation and salary costs of non-productive staff), the costs of support work, training costs, recruitment and selection costs, any translation costs, replacement of staff, the costs for the use of equipment (both hardware and software) incurred as a result of the assignment, the costs for project management and the profit margin. Travel expenses are not included in this and must be indicated separately. It is not possible to indicate other costs at a later stage (after the issue of the tender).
Pr-2	Tenderer is required: - To join the implementation of Electronic Ordering and Invoicing (EBF) at no additional cost (see also Requirement EF-3). - To cooperate, at no additional cost, in using UBL 2.0 as the exchange format for digital invoicing.



Pr-3	The rates in the ranges are fixed at least until two years after the effective date of the Agreement. Subsequently, they may be adjusted by the Client of the Framework Agreement. The rates may be adjusted by the Client on the basis of the CBS price index figure for CAO wages per hour, including special remuneration, category business services. The Contractor may submit a request to this end. This request must be submitted no later than two months before 1 January. During the term of the Agreement, indexation may be used twice, for the first time from 1-1-2024 up to and including 1-1-2032 (subject to the condition that the Client exercises the renewal option(s)). Nb. the new rates apply only to new assignments. The index rate will be set at 100 for the start date of the framework agreement. The index rate is calculated based on the following formula: $((\text{November Index Year Y} / \text{November Index Year X}) - 1) * 100\%$. Example 1st indexing: <table border="1" data-bbox="383 902 1430 1084"> <tr> <td>Start ROK</td><td>01-01-2022</td></tr> <tr> <td>Index November 2022 (X)</td><td>= 110,21</td></tr> <tr> <td>Index november 2023 (Y)</td><td>= 112,70</td></tr> <tr> <td>Bandwidths will be adjusted on 01-01-2024 by the following index: $((112,7 / 110,2) - 1) * 100\% = 2,27\%$</td><td>Min.Rate x 1,0227 Max.Rate x 1,0227</td></tr> </table>	Start ROK	01-01-2022	Index November 2022 (X)	= 110,21	Index november 2023 (Y)	= 112,70	Bandwidths will be adjusted on 01-01-2024 by the following index: $((112,7 / 110,2) - 1) * 100\% = 2,27\%$	Min.Rate x 1,0227 Max.Rate x 1,0227
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Pr-4	Price adjustments must be presented to the Client for approval no later than two months prior to the abovementioned moments of tariff indexation. The percentage for the rate increase shall be rounded off to one decimal place. Revisions of indexations that have not been made will not be accepted.								
Pr-5	Costs not mentioned in the Tender and not discounted in the pricing, but which nevertheless prove necessary for the proper functioning of the service, in accordance with the requirements set out in the descriptive document, shall be for the account of the Tenderer.								
Pr-6	If, in addition to the prices offered, the Contracting Authority has to incur costs that prove necessary for the proper functioning of the service, they shall be for the account of Tenderer.								

Number	Description requirements Electronic Ordering and Invoicing
EI-1	Tenderer agrees that if the Client is connected to an automated system for digital support of inquiry, ordering, delivery, authorization, invoicing and or payment processes, information transfer between Client and Contractor will take place exclusively through this system.
EI-2	After awarding the contract, Tenderer is obliged from the moment of first delivery to prepare invoices in electronic format¹ only and to offer them for processing electronically: - Or via the Supplier Portal of DigiInkoop for invoice processing by all government agencies connected to the procurement agreement (in the case of manual input, the Supplier Portal will convert the invoice to electronic format). - Or, if required for larger transaction volumes, via a link to Digipoort for invoice processing by all government agencies linked to the Procurement Agreement. Tenderer will use the prescribed format for the layout of the electronic invoice (see https://www.logius.nl/diensten/e-factureren).

¹ From 1 July 2016, paper and PDF invoices are only allowed in exceptional situations.



EI-3	The Tenderer is required to join the implementation of Electronic Ordering and Invoicing (EBF) (see also Home Helpdesk e-factureren (helpdesk-efactureren.nl)).
EI-4	Connection to the abovementioned systems by Contractor shall be completed no later than 1-1-2022.
EI-5	In view of the transition in the world/UN/CEFACT standard, Tenderer cooperates to use UBL 2.0 as the exchange format for the purpose of digital invoicing. Tenderer may also use another exchange standard as long as it is compatible with e-invoicing within the government.

Number	Description requirements Sustainability
S-1	Tenderer takes or has taken measures to reduce the environmental impact (energy consumption, emissions of CO2, NOx, particulates, noise) related to the execution of the Contract.
S-2	Tenderer attaches to the Tender a plan of approach concerning the organization's internal travel policy. This must describe how the Tenderer travels in relation to activities in the context of Lot 2 and how this contributes to reducing CO2 emissions. The plan of approach comprises a maximum of two A4.
S-3	Tenderers should have taken into account, when preparing their Tender, the obligations under the provisions on labour protection and working conditions applicable in the country where the contract is performed, as referred to in Art. 81 section 2 Aw2012, namely: <i>'A contracting authority shall request Tenderers or Candidates to indicate that, in preparing their Tender, they have taken into account the obligations in the field of environmental, social and labor law under European Union law, national law or collective bargaining agreements or under the provisions of international environmental, social and labor law listed in Annex X of Directive 2014/24/EU'.</i>



1.2 Sub-award Criteria

This section describes the Sub-award Criteria (in the form of Theme and Case Studies) that must be answered.

For each Sub-award Criterion, you provide a concrete answer, taking into account in the answer the aspects of the requested service as described in the Descriptive Document and the Schedule of Requirements.

The table below explains what is expected from the Tenderer for each Sub-award Criterion. It also shows the maximum number of points that can be scored and the relative weighting of the Sub-award criteria.

An assessment score is assigned to the answer to a Sub-award Criterion (in accordance with Section 6.3). The level of this score depends on the extent to which and/or the manner in which the Sub-award Criterion is implemented.

Please note: When answering each Sub-award Criterion, you must submit a maximum number of A4 sheets in which font 'Arial' and font size '10' are required. The maximum number of A4 as indicated includes any images/illustrations. The text in the image should be legible (without having to enlarge it). If you supply more than the maximum A4 indicated, the A4s exceeding the maximum will not be assessed.

It is permitted to add a title page and/or cover page. These do not count towards the maximum number of pages. A title page and/or cover page should only state which Sub-award Criterion it relates to.

1.2.1 Case question Nuclear Advisory Services

Case Lot 2: Inspections

Issue: Vision and insight through reflection on practical situations

Introduction

The ANVS requests your knowledge/expertise and support for inspections in specific fields. In this context it concerns physical inspections and on-desk inspections, both in the context of licensing and supervision.

In addition to contributing specialist knowledge and expertise to the inspection that ANVS does not or cannot have in house, the TSO is also used here to act as a flexible shell and to take tasks off the hands of the ANVS inspectors. This involves consultancy services in the preparation and organization of supervision during the design, construction and commissioning phases as well as support in the implementation of this supervision. This always concerns support for the ANVS inspector. Full outsourcing of inspections does not fall within the scope.

An example in this context could be the inspection of a design and production process of a component or system intended for a nuclear installation. This requires relevant knowledge and experience in the field of ensuring design and production quality of more complex components/systems. Another example is the preparation of an inspection to determine the physical independence of redundant systems. Studying Process Instrumentarium Diagram (PIDs) and 3D drawings to identify potential bottlenecks helps the inspector give the inspection risk-driven focus.



In this case study, a number of (fictitious) examples are described on which we ask the Tenderer to reflect and provide their vision and insight(s) by answering a number of concrete questions.

Context

Both in the licensing phase and in the supervision phase, the ANVS wishes to carry out (or have carried out) inspection(s) in order to be able to determine to what extent the practice of the party being supervised complies with the applicable licenses, statutory regulations, norms and standards.

Examples in this regard may include:

- Performing inspections during the design of (part of) a facility on the quality assurance of the design process.
- Performing on-site inspections during the construction of an installation on the realization of civil engineering parts. Practical knowledge of civil constructions is required.
- Attending and assessing FATs (Factory Acceptance Test) of components intended for a nuclear installation. This requires practical knowledge of the relevant manufacturing and testing methods.
- Technical content input before or during inspections of robustness-enhancing measures, such as earthquake-proofing of facilities and mountings and suspensions.

Objective and research questions

The objective of inspections is twofold:

1. To verify the extent to which the practice complies with the applicable assessment framework.
2. To apply an appropriate intervention in the event of any deviations found. The latter is at all times a task of the ANVS itself.

Inspections can cover a wide area. Some examples are:

1. Conformity inspections: does the design realized in practice comply with the approved design?
2. Acceptance inspections: does the realized product meet the requirements so that it can be used in the next phase? The terms Factory Acceptance- and Site Acceptance Test (FAT/SAT) are often used for this.
3. Compliance inspections: does the working method during implementation meet the set requirements? This may involve the working methods in areas such as design, production, installation, testing, commissioning and maintenance.

In all cases, the TSO is asked to draw up an inspection plan in consultation with the ANVS in which a proposal is made regarding the norms and standards to be applied (the so-called inspection framework), the inspection questions, the intended course of the inspection, the inspection team and the way in which the inspection will be reported to the ANVS. The TSO then carries out the inspection. The ANVS remains at all times responsible for forming an opinion (partly on the basis of the report provided by the TSO) and for the final report to the supervised party.

Sub-award criterion 1 – The Assignment

Below are a number of fictitious but practical examples:

For each example, the Tenderer is asked to reflect on **four** questions/aspects that are mentioned behind the examples. The content of these questions/aspects can be found under the examples.



For the (fictitious) examples A, B, C and D, choose four of the sixteen questions mentioned and answer them in more detail in your description. Also, substantiate **why** you specifically answer these four questions linked to the (fictitious) example. The questions should only be answered **once**; or in other words, can only be linked to an example once.

The (fictitious) examples:

- A. An organization carries out design work on behalf of a nuclear installation. The ANVS wants to know to what extent it has been assured that the design organization can guarantee with sufficient certainty that the final design meets the applicable criteria.
- B. A company supplies a digital control system to a nuclear installation. The hardware is purchased from third parties, the software is developed by the company concerned. The whole system is finally delivered turn-key to the nuclear plant.
- C. During the commissioning of a number of pumps, with an essential function for nuclear safety and all from the same supplier, it is found that two pumps do not meet the specifications during the final test.
- D. A nuclear installation is approaching the time of delivery. The ANVS wants to know to what extent the requirements for fire safety and earthquake resistance are met.

Questions to be answered

- 1. What standards/ principles are used for the inspection?
- 2. What information is needed from the ANVS to create an inspection plan?
- 3. What information is needed from the organization to be inspected ("inspectee") in order to draw up an inspection plan?
- 4. How is an inspection plan created?
- 5. At what times and on what aspects of the process at the supervised organization will an inspection be made?
- 6. What method(s) is used to decide on inspection questions?
- 7. What three inspection questions have primary attention during the preparation for the inspection?
- 8. What information is exchanged with the supervised party in advance?
- 9. How is the attention paid to the aspect time? This concerns both lead time and process time per inspection step.
- 10. How is the team that will conduct the inspection composed, both in terms of size and staffing, and what criteria are used for this?
- 11. Can third parties be involved in the inspection? If so, which parties and for which aspects?
- 12. Which three inspection questions have the primary focus during the conduct of the inspection?
- 13. What approach is used to carry out sampling?
- 14. How are discrepancies found during the inspection valued and communicated?
- 15. Based on what consideration can a re-inspection be decided?
- 16. In what way are the inspection results reported to the ANVS and to the supervised party?

Aspects to be assessed

Your case will be assessed on the extent to which your description:



- proposes a clear process: your description clearly shows the time span of the processes, methods and moments of contact you will use for the realization of inspection questions, the inspection plan and inspection results;
- clearly shows the way of prioritizing the inspection questions;
- clearly describes how you will compose the inspection team: your description will make explicit the principles which you consider important for the approach of such an inspection based on your expertise;
- clearly describes the method by which you ensure that the ANVS and the "inspectee" are kept informed of inspection developments, any deviations and inspection results prior to, during and after the inspection;
- details the information that must be provided by the ANVS and the 'inspectee' before, during and after the inspection;
- goes into detail about all parts of the case and the extent to which a realistic picture of the approach and the process is portrayed;
- describe parts SMART: your description of the plan, the process, the necessary expertise, possible risks and mitigating measures are described as SMART as possible, including clear reasoning why these are necessary.

You should elaborate on the above in no more than **2500 words**. There is also room for the use of supporting visual material such as tables or (process) pictures etc.

1.2.2 Theme Questions Nuclear Advisory Services

1) Quality and Objectivity

Quality and its assurance is an essential part of nuclear safety. This also applies to assessments, oversight and its policy development. It concerns matters such as the delivery of a sound product or the guarantee of an objective judgement independent of political or social pressure. But a self-critical view is also important. The world is not black and white.

In many cases, the ANVS's task is to determine what is reasonable, taking into account the current state of the art and economic and social factors. For this, ANVS needs an advisory service that looks more broadly than just conclusions presented as established facts, but with room for nuances and other insights or possible factors that may influence a consideration of what is reasonable. In particular, different practices in an international perspective are also important here.

Sub-award Criteria	Content and Assessment	Maximum points to be scored
Sub-award criterion 2 Theme question 1: Quality and objectivity	Provide a description of: - How you organize your quality assurance of a product. - How you guarantee independent (also from own (for the TSO) national guidelines and policy) and objective advice in line with internationally accepted frameworks.	250



	- How you guarantee a self-critical view in your activities and products. - Which aspects of an assessment or advice may contain nuances. Be as specific as possible here. - How you can share the above nuances in advice and assessment with the ANVS. - How you ensure a balance between quality and effectiveness in the above factors. Your description will be assessed on the extent to which your description corresponds to the intended activities in the field, is realistic, inspires confidence, is concrete and is supported by concrete, appealing examples. You should elaborate on the above in no more than 2 A4.	
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2) Flexibility and capacity

Although the ANVS's range of tasks is reasonably well-defined - there is generally no ambiguity about what nuclear safety encompasses - the actual work package of the ANVS can vary widely, both with regard to the designs and with regard to the required deployment.

These variations may have a technical or social origin both from within the Netherlands and from outside the Netherlands. Considering its guiding principles "Safety first" and "Continuous improvement", the ANVS will adequately respond to these variations.

The ANVS expects an advisory service to be able to follow these variations.

More concretely, this means that an advisory service must be able to adapt to the changes requested by the ANVS in terms of both capacity and expertise and competences.

Sub-award criteria	Content and Assessment	Maximum points to be scored
Sub-award criterion 3 Thematic question 2: Flexibility and capacity	Provide a description of: - how you respond to requested changes regarding changing priorities of your client; - how you can adapt the capacity of your organization to changing client demands; - how you can make sufficient expertise available in the event of changing requests;	250



	- how you yourself come up with proposals for adjusting your efforts in terms of capacity, expertise and competences. Your description will be assessed on the extent to which your description matches the requested flexibility <u>in the Lot</u>, is realistic, inspires confidence, is concrete and is supported by concrete, appealing examples. You should elaborate the above in no more than 2 A4.	
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