



Ministerie van Infrastructuur
en Waterstaat

Information Memorandum no. 1
associated with
Public European Tender
Nuclear Advisory Services ANVS 2021
Reference number 303693
30 August 2021

This Memorandum of Information is an integral part of the Descriptive Document. The questions included in this Memorandum of Information are taken verbatim as they were asked.

The Memorandum of Information has been/will be made available at www.tenderned.nl



Deadline for submission of Tenders, no later than: September 23, 2021, 12.00 a.m. (GTM+1, local The Hague time)

Regarding the questions asked

No.	Page/Document	Paragraph	Question	Answer
1.	ARVODI	Article 21	Could you please add to article 21 the following passage: Supplier shall never be liable for any consequential loss, disadvantage or any intangible loss (such as loss of production, income or profit, increase in overheads, goodwill, disruption of scheduling) suffered by the Client or by third parties deployed by the Client, whether contractual or non-contractual. If you do not agree with this passage, could you please indicate the reasons why you wish to place this risk with the Supplier? A reference such as we sometimes saw in the past from contracting authorities "it is permitted on the basis of the law" does not help us to understand the calculation with regard to risks correctly.	The contracting Authority does not agree with Candidate's proposal to add this passage to Article 21. Similar to Dutch law, we make no distinction between direct and indirect damage. The limitation in article 21.3 is considered a reasonable limitation. Bear in mind that if you fail to comply with the obligations, a notice of default will first follow in which you still be offered the opportunity to fulfil the obligations. If you fail to do so, you will be in default and the contracting Authority will be entitled to compensation for the damage suffered.
2.	ARVODI	Article 21	Could you please add to article 21 the following passage: The Client shall indemnify the Supplier against any liability arising directly and/or indirectly as a result of the performance of Services in the nuclear part of the nuclear power plant or relevant premises.	The contracting Authority does not agree with Candidate's proposal to add this passage to Article 21. The contracting Authority believes that she cannot carry such a liability from the performance of Services by the Contractor. Therefore, the



			If you do not agree with this passage, could you please indicate the reasons why you wish to place this risk with the Supplier under the given circumstances?	contracting Authority has also made the requirement regarding professional and business liability (see GE2 and 3).
3.	DEF VERSION Descriptive Document Nuclear Advisory Services ANVS	4.1.1	Here stands: "You supply all the information requested. In the table "Complete and upload on TenderNed with Application" at the beginning of this document you will find all the parts that the Application must contain." However, there is no table at the beginning of this document with the title "Complete and upload on TenderNed with Tender". Or is the table under 4.5.5. meant?	Here, indeed, the table under section 4.5.5 is meant.
4.	DEF VERSION Descriptive Document Nuclear Advisory Services ANVS	4.1.1	Here stands: "You ensure that all communication with regard to and about your Application is conducted in Dutch or English. Additionally, for the duration of the Service Agreement you will continue to communicate in Dutch or English", "The Tender and any all further correspondence and communication about this European Tender Procedure, including the correspondence and communication exchanged in the course of the Agreement, must be either in the Dutch and/or in the English language." And on the other hand "Your Registration must be submitted in the Dutch language."	



			Does this mean that all documents, i.e. the complete Tender, must be submitted in Dutch (EUA + appendix 1 + the references for the core competences and the answer to the sub-award criteria) or is it correct to assume that the English language in this case is also sufficient for the Registration/Tender?	Yes, all documents that are part of the Tender (as indicated in the table under Section 4.5.5 of the Descriptive Document) must be submitted in the Dutch language. However, a separate appendix, for example an advisory report, may be submitted in English. This means that if a Tender is only submitted in English, the formal requirements have not been met.
5.	DEF VERSION Descriptive Document Nuclear Advisory Services ANVS Pag. 19/38	4.3	Partnership According to §4.3 registration as a Combination is possible. Therefore we are envisaging to respond as a Combination (A+B), with lead Contractor (A). It is not quite clear how we have to submit the offer as a Combination (A+B). More precisely, do A and B have to send both the common technical offer, or does only A, has to send the common technical offer. It is also not clear how to be registered as a Combination on the Tender.Net platform.	Main contractor (A) is the lead contractor on behalf of the Combination and the party submitting the Tender on behalf of the Combination. One (1) offer is therefore submitted on behalf of the Combination (usually through the TenderNed account of the main contractor). Some documents are submitted with the Tender by all parties of the Combination. See also section 4.3. in the descriptive document for this. For registration on TenderNed, the Candidate can contact the TenderNed Service Desk. See section 4.5.2 in the descriptive document for this.
6.	Annexes Lot 1: Assessments Pag. 10/12	1.2.1	Sub-award criterion 1 - Plan of approach/action: How will you ensure that the quality of the work delivered is appropriate to the complexity and safety relevance? To answer this question, we would like to know whether "the work delivered" refers to the work delivered by the "Applicant" applying for a licence, or refers to our work, which is delivered in response to the case study.	'The work delivered' refers to the advice to the ANVS, i.e. the work done by the Technical Support Organisation (TSO).



7.	Annexes Lot 1: Assessments Pag. 10/12	1.2.1	Sub-award criterion 1 - Plan of approach/action: How will you take into account the international state of the art in your advice, including a possible bandwidth in this? We have a minor question on the way to understand "including a possible bandwidth"	For many subjects there is not necessarily one absolute 'state of the art' but different gradations or options are applied internationally. The question is to what extent and how you reflect these kinds of 'bandwidths' in the advice to the ANVS.
8.	22	4.5.5	Descriptive Document Fact: "Annex 1 Compulsory Forms for Completion - contains the forms and declarations described above and must be attached to the Tender as a separate document." Question: As supplier may tender for multiple lots, is it necessary to fill out Annex 1 multiple times (that means complete filled Annex 1 for Lot 1, another complete filled Annex 1 for Lot 2 etc.)?	No, it is sufficient to submit one (1) Annex 1 'Mandatory Forms. In this form, Tenderer does need to tick which plot(s) are being registered for.
9.	26	5.1	Descriptive document Fact: "[...] An exception to this is the references; these may be requested per core competency. These need to be directly added to the Tender." Question: Does this mean that a certification of the client with respect to the corresponding references has to be added to the filled Annex 1?	Annex 1 Mandatory Forms also contains a format of the statement references (par. 5.2.1). The following is included at the bottom of page 21 of the Mandatory Form: Please note: the statement of references must be submitted separately (see Descriptive Document section 4.5.6). No, Tenderer should submit the completed statement of references for the plot(s) tendered for.



10.	n/a	IV.2.4)	TenderNed - Nucleaire Adviesdiensten ANVS 2021 – Publicatie Fact: (NL) Talen die mogen worden gebruikt bij het indienen van inschrijvingen of aanvragen tot deelneming: - NL Fact: (EN - Translated) Languages that may be used when submitting tenders or requests to participate: - NL	
	18/38	4.1.1	Descriptive Document (EN) Fact: (4.1.1) Formal Requirements: ... You ensure that all communications concerning and about your Application are conducted in Dutch or English. Additionally, for the duration of the Service Agreement you will continue to communicate in Dutch or English. --- With reference to the announcement of the Tender in TenderNed paragraph IV.2.4) seems to define that the Dutch language is the language to be used for the tender documents to be submitted. On the other hand, the tender documents provided by TenderNed are provided in both Dutch and English language, also the DEF	



			Descriptive Document, Page 18, Section 4.1.1, defines Dutch or English as language for all communications concerning and about the Application. --- Question: Is providing and submitting the tender documents in English language possible and accepted or a violation of formal requirements and rejected?	In any case, the Tender must be submitted in the Dutch language, as indicated in Section 4.1.1. Also, see the answer to question 4. This means that if a Tender is only submitted in the English language, the formal requirements have not been met.
11.	22	5.2	Annex 1. Mandatory Forms Fact: Table in chapter 5.2.1 asks for "Explain that disclose". Question: What information is expected by this question?	Tenderer only needs to explain here that the execution time of the submitted reference meets the requirement (1).
12.	1	Front page	European Single Procurement Document (ESPD) Fact:	



			European Single Procurement Document (ESPD) Reference of the relevant notice¹ published in the Official Journal of the European Union: Notice number in the OJS (only if you have one at your disposal): _____/S____ - _____ In case publication of a notice in the Official Journal of the European Union is not required, please give other information allowing the procurement procedure to be unequivocally identified (e. g. reference of a publication at national level): _____ This procurement procedure concerns: ☒ A procedure above the relevant European threshold ☐ A procedure below the relevant European threshold ☐ A procedure from a contracting entity subject tot Directive 2014/25 Question: Are we right, that we can leave the fields "notice number" and the text field below empty, as this tender-procedure is an open procedure above the relevant European threshold, not a competition or call. Question: Is there a Notice number of a notice in the Official Journal of the European Union we have to enter here, and if, which number.	
13.	n/a	n/a	TenderNed Aanmeldung/Inschrijving	Yes. 2021/S 136-361708 - this number may be entered on the UEA (ESPD).



Voortgang inschrijving

Status: **Geïnteresseerd**

▲ Mijn inschrijving

Voor 'Nucleaire Adviesdiensten ANVS 2021' van
[Ministerie van Infrastructuur en Waterstaat](#)

Controleer uw organisatiegegevens ✓

Selecteer percelen (0/3) ✓

Beantwoord de eisen (0/12) ✎

Beantwoord de gunningscriteria (0/2) ✎

Vul het Uniform Europees
Aanbestedingsdocument in ✎

Verstuur uw inschrijving ▶

Volg eerst alle stappen. Beantwoord de eisen en criteria.
Verstuur uw inschrijving voor **23 sep. 2021, 12:00**.

▶ Inschrijving versturen

Fact:

In this section "Registration" are various sections to fill in with information already part of the "Mandatory Document" or the other documents part of the tender response.



			Question: Is it nevertheless necessary to answer all the sections online despite the fact that the tender documents (ESPD + Mandatory Forms and Annexes) contain all this information?	Yes.
14.	Appendix 1, pg. 10	2.2 Subcontracting	If we do not use subcontractor(s) in the execution of the Contract, is it sufficient if we only tick 'no', or do we also need to fill in whole 2.2.1 'Description of subcontracted part'?	Yes, only ticking 'no' will suffice. The statement under par. 2.2.1 is not applicable when 'no' is ticked. The additional questions in par. 2.2 should only be answered if 'yes' is ticked.
15.	Lot 3 Appendix 3C Program of Requirements and Sub-award Criteria Pg. 11	Sub-award criterion 1	We are asked to write an outline for an advisory report. On page 11 it seems to be suggested that this will present '(fictitious) research results', there is also mention of 'formulation of an opinion' and of a 'line of reasoning'. Presenting fictitious results on a concrete case without real research is unusual. Of course, we can make sensible statements about possible measures based on our sound knowledge and understanding. Nevertheless, even if such statements are made in a tender process, they are not non-binding and the likelihood that they will ever find their way into the public domain is not zero. To what extent is the intention really to formulate research results / an opinion, in addition to providing the things mentioned on page 10?	The requested outline for an advisory report concerns a practical illustration of the matters requested on page 10. The ANVS needs to get a picture of what such an advisory report looks like and how the various aspects are taken into account. It is not necessary to generate a large amount of fictitious research results and to write an as real as possible advisory report based on those results. It is expected that the Tenderer will demonstrate how such an advisory report is structured by showing a chapter layout and describing/demonstrating how each section works logically from question to advice. The Tenderer is invited to give an example of how (fictitious) results could be presented. Furthermore, the Tenderer is requested to demonstrate how it would proceed in a case such as the one mentioned in the example and would include the various aspects



				in the line of reasoning from research results to the formulation of the final advice to the ANVS. This can be done by formulating an actual fictitious advice as an example, but also by indicating which parts the advice would consist of and showing a sample of the formulations or sentence structures to be used.
16.	Program of Requirements	Number Table	The tables in the schedule of requirements show numbering that differs from each other in the ENG and NL versions, regarding the first letters of the subject. Example: ENG version number ICI-2 is in NL version OB-2. If reference is made to a number in the table in the case of communication or the Tender, the Tenderer will refer to the number in the NL version. Please confirm.	The reference in the NL version suffices.
17.	DEF VERSION Descriptive Document Nuclear Advisory Services ANVS	3.2	Please confirm which of the requested services for each lot can be performed remotely and which are mandatory on site (of ANVS office Den Haag).	Plot 1 and 3 remotely and for Plot 2 part of the inspection work can be done remotely but the main part of the inspection work will be on site. In any case, for most of the inspections themselves but for part of the preparations and the finalization it will also be necessary to work on location at the ANVS or at an installation.
18.	Appendix 3B. Program of Requirements and Sub-award	1.2.1	Contradiction: On page 9 it is stated "Sub-award criterion 2 – The Assignment".	



	Criteria Lot 2: Inspections		However, this should be "Sub-award criterion 1 – The Assignment." to be. Correct?	This is correct and should be Sub-award Criterion 1 - The Assignment.
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