



Ministerie van Infrastructuur
en Waterstaat

Information Memorandum no. 2
associated with
Public European Tender
Nuclear Advisory Services ANVS 2021
Reference number 303693
September 10th, 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
19.	DEF VERSION Descriptive Document Nuclear Advisory Services ANVS	Sections 4.1.1 and 4.5.5. Answer #4	Referring to your answer #4 (Information Memorandum no. 1_20210830), we understand that all the documents, including the tender documents: • 6.1.1 (Lot 1 assessment), • 6.1.2 (Lot 2 inspections), • 6.1.3 (Lot 3 Gathering information and advice for developments) must be submitted in Dutch language. Could you please confirm.	Yes, the contracting Authority can confirm this.
20.	ARVODI	Article 21 Answer 1	The contracting authority does not agree with the proposal of the candidate to add this passage to Article 21. Just like the law, we do not distinguish between direct and indirect damage. The limitation in Article 21.3 is considered a reasonable limitation. Keep in mind that if you do not comply with the obligations, you will first receive a notice of default in which you are still offered the opportunity to comply with the obligations. If you fail to do this, you are in default and the Client is entitled to compensation for the damage suffered.	With regard to the limitation of liability, the contracting authority wishes to meet the candidate(s) with the following limitation of liability in art. 21.3 ARVODI 2018: - Max. €750,000 per event - Max. € 1,500,000 per contract year.



		Next question: Your statement that a notice of default will follow is of course irrelevant if irreversible damage has occurred. And that is our greatest concern. Effectively, a registration will always have to be made with foreign non-Dutch speaking subcontractors. Those foreign subcontractors will demand an indemnification as described in Questions 1 and 2 of the NvI 1. In addition, those subcontractors will exclude consequential damage, while you do not exclude consequential damage in the limitation of art 21.3. After all, such limitations of liability are common within the international nuclear inspection services, according to popular opinion. All in all, your response in NvI 1 does not benefit the risk position (ie this has an impact on pricing and quality during the assignment) of a tendering party on lot 2 in particular – where, in accordance with Q&A 17 of NvI 1, there is also an actual risk is run at that location. Therefore, we would like to ask you to limit the liability with regard to the services requested on lot 2 to: “€500,000 per event and €1,000,000 per contract year or part of a year that the Agreement is in force” – all in line with the third graduated scale from article 21.3. With this adjustment, we could limit relevant risks, which will also improve the pricing and quality of the assignment. Can you agree? If not, what reasonable	
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			limitation of liability on Lot 2 is acceptable to you?	
21.	DEF VERSION Descriptive Document Nuclear Advisory Services ANVS	3.2 Question 17 6.7	Please confirm which of the requested services for each lot can be performed remotely and which are mandatory on site (ANVS office The Hague). 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. Based on this answer, can you define on which number of hours (8-hour day or 4-hour day part) the requested services are based in relation to the maximum daily (partial) rate for on-site inspection, described in 6.7 Sub-award criterion Lot 2 Pricing?	In the Mandatory form (appendix 1) under section 6.1.2, the Tenderer must indicate for Lot 2 an hourly rate and a half-day rate based on <u>4 hours</u> .
22.	3-4	Question Answer Number 4	Information Memorandum no.1 20210830 REFERENCE: Question 4 was: "... 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?" Answer 4 was: "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." FACT: "However, a separate appendix, for example an advisory report, may be submitted in English." QUESTIONS: Does this exactly mean, - that the ESPD Document Annex 6 has to be provided in Dutch language - that the Mandatory Forms Document Annex 1 has to be provided in Dutch	Yes Yes
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			language? - that all separate attachments / documents can be provided in English language with no need to also provide them in Dutch language? More specific: Can the Tender Letter be provided in English language or has it to be Dutch language? Can the Extract from the Trade Register be provided in English language or has it to be Dutch language? Can the other "Verification Documents" be provided in English language or has it to be Dutch language? If not all of the other "Verification Documents" can be provided in English language, which ones can? - QM Certificate - Insurance business risks - Insurance professional risks - Income Statement for the last 3 years - ... Can all of the "answer documents to the sub-award criteria for Lot1 – Lot3" be provided in English language?	No, the answers to the Sub-award criteria must also be submitted in the Dutch language. A separate appendix, attached to clarify and/or support the answer to a sub-award criterion, may be submitted in English. The offer letter must be submitted in the Dutch language. In addition to the Dutch language, the extract may also be provided in English. All other verification documents may be submitted in the English language – see the list of other verification documents below. Yes Yes Yes Yes No
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			If not all of the “answer documents to the sub-award criteria for Lot1 – Lot3” can be provided in English language, which ones can? Can the “allowed-to-Add” Cover pages be provided in English language or has it to be Dutch language? FACT: “This means that if a Tender is only submitted in English, the formal requirements have not been met.” QUESTION: Is it allowed to submit the tender with the “answer documents to the sub-award criteria for Lot1 – Lot3” both in a Dutch and in an English language version?	See above. In the Dutch language. Yes, it is allowed to submit the Tender in two languages (English and Dutch). Only an Enrollment in English without a Dutch language is incomplete and will not be accepted.
23.	21	4.5.2	DEF DOCUMENT FACT: “The Tender, including the (signed) attachments in PDF format, must be submitted electronically and on time, i.e. at the latest on the date indicated in the schedule under paragraph 4.2, exclusively via TenderNed”	
	26	5. ff.		



		DEF DOCUMENT FACT: "By using the ESPD in the submission phase in a public tender procedure, only the ESPD is issued for the Grounds for Exclusion and Eligibility Requirements (annex 6), without the Tenderers having to provide any further information (verification documents). An exception to this is the references; these may be requested per core competency. These need to be directly added to the Tender. The intention is that only for the winning Tenderer(s) the necessary information from the ESPD will be verified after announcement of the intention to award and rejection of the other Tenderers. The winning Tenderer will provide the verification documents to the Contracting Authority within seven (7) calendar days of the first request." QUESTIONS: Does this explicitly mean, that in general we are waiting to submit verification documents until requested to submit them? Nevertheless, is it correct that when submitting the tender the following verification documents have to be included	That's correct.
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			- 1. Excerpt of the Trade Register as Annex to the Tender Letter (verification of right to sign)? 2. Lot1 – Lot3 References? If not, are there “verification documents” besides the references that have to be submitted together with the other tender documents?	Yes Yes
24.	Web	TenderNed	TENDER SUBMISSION PAGE COMMENT: Part of the Online Section to be filled in to submit a tender are also different “verification documents” requested to be uploaded, nevertheless most of them seem to be redundant because also requested as part of the tender documents. QUESTIONS: For the “verification documents” requested in the Online Section to provide: Does the same rule apply that these documents have only to be provided and submitted after request?	Yes



			If not or not for all, which of the “verification documents” (online portal section) have to be uploaded? As this may be a redundancy, does this nevertheless mean, that the complete tender and tender documents (according the structure defined in the DEF document) have to be uploaded? Where exactly to upload the tender documents?	Section 4.5.5 of the Descriptive Document indicates what the layout of the Tender should look like. All requested documents must be uploaded by the Tenderer in TenderNed.
25.	26	5.2	DEF DOCUMENT FACT: “5.2 Grounds for Exclusion The ESPD attached to this Descriptive Document must indicate whether the Tenderer is subject to mandatory and/or optional Grounds for Exclusion. A Ground for Exclusion is a knock-out criterion. A Tender of a Tenderer will be rejected if a Ground for Exclusion applies to it and if it is not sufficiently clear from any explanation in Part III of the ESPD, why failure to comply with one or more of the Grounds for Exclusion should not lead to exclusion in accordance with the provisions of Article 2:88 of the PPA 2012. In the event of tendering in a Combination,	



			the entire Combination will immediately be excluded if any of the Grounds for Exclusion applies to any of the members of the Combination. Verification document(s): • Declaration of Conduct Procurement (GVA). See table below for explanation. • Extract from the commercial register, which, at the time of submission of the Tender may not be older than 6 months.” QUESTION: Is it necessary to provide both “verification documents” or is an Excerpt of the Trade Register alone accepted?	Only the extract from the Trade Register (KvK)
26.		5.3 Eligibility Requirements	DEF DOCUMENT FACT: “GE5 Professional competence The tenderer must be able to demonstrate at the time of registration that he is registered in the professional register or the trade register in accordance with the regulations of the Member State in which he is established or must be able to provide a statement under oath or a certificate. Within the Netherlands, an extract of registration in the trade register of the	



			Chamber of Commerce fulfills this function. Item(s) to be attached: • Extract from the trade register (not older than 6 months at the time of submission of the Registration). • Statement under oath or a certificate. • Power of Attorney (if necessary)." QUESTION: Does "Within the Netherlands, an extract of registration in the trade register of the Chamber of Commerce fulfills this function" mean, that providing an Excerpt of the Trade Register alone is accepted as verification or is it necessary to provide all three verification documents?	
27.	8	1.2	TENDER DOCUMENTS Annex 3A, 3B, 3C Sub-award Criteria Fact: "Please note: When answering each Sub-award Criterion, 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	Only one of these documents is sufficient.



			Sub-award Criterion it relates to.” QUESTION: Part of our standard cover page and document templates are some fields like Author, Date, Project Reference, Tender Number and Reference, Revision, Validity, Version and our Company Logo. Is this accepted as content of our cover pages provided for the tender or a violation of the statement “A title page and/or cover page should only state which Sub-award Criterion it relates to.”?	This is also accepted.
28.	21	4.5.2	DEF DOCUMENT FACT: “Note: Your Tender will not be valid until the transaction code has been entered in TenderNed. That will post the Tender in the safe. If necessary, you may withdraw and change the Tender - until the time of closure of the Tender safe. The Tenderer will receive a confirmation of submission of the Tender.” QUESTION: How do we receive this code?	The Tenderer automatically receives this transaction code from TenderNed on the mobile phone to submit (submit) the Tender.