



Rijkswaterstaat
Ministerie van Infrastructuur en Waterstaat

Descriptive document

**Public Procurement in accordance with the
open procedure of**

RWIS

**Road Weather Information System for
the Netherlands**

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RWS Information

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Definitions

Descriptive document	This document, including appendices.
Procurement Act	Dutch Public Procurement Act (Aanbestedingswet 2021).
Most Economically Advantageous Tender (MEAT)	The Tender that, achieved the highest total end score, based on best price quality ratio
Suitability requirements	The requirements set to a bidder by the Contracting authority, to be able to assess whether a bidder is capable of implementing the public contract.
Bidder	The entrepreneur or entrepreneurs who submitted Tender or is/are planning to do so.
Tender	A formal offer submitted by a Bidder towards this Descriptive document.
RWS	Rijkswaterstaat, part of and implementing organisation of the Ministry of Infrastructure and Water Management.
RWS CIV	Rijkswaterstaat Central Information Provision, organisational unit of Rijkswaterstaat (RWS).
Q&A document	A document in which questions with answers are included anonymised.
Contracting authority	The State of the Netherlands, represented by the minister of Infrastructure and Water Management, entering into an Contract with Contractor, for the benefit of Rijkswaterstaat.
Central purchasing body with Wholesale function	A Contracting Authority that acquires supplies or services intended for one or more contracting authorities. The central purchasing body with Wholesale function concludes contracts on its own behalf and sells the supplies or services to the affiliated contracting authorities.
Contractor	The Counterparty that the Contracting Authority concludes the Contract with.
Contract	The written agreements between the Contracting Authority and the Counterparty of which the Terms and Conditions are part.
Ground for exclusion	A circumstance concerning the (person of the) Bidder himself and which could lead to exclusion of his further participation in the tender process.
RWIS	A Road Weather Information System (RWIS) comprises weather stations in the field, a communication system for data transfer, and (central) systems to collect and process field data and to display or disseminate road weather information. The weather stations measure variables such as real-time atmospheric parameters, pavement conditions, water level conditions and visibility.

1. Introduction

This Descriptive document contains information about the European public procurement, in accordance with the open procedure for the supply of Road Weather Information Systems. The procedure takes place on the basis of the Procurement Act. That is why the definitions of the Procurement Act are applicable. The tender procedure will be performed electronically, by means of TenderNed.

Bidder is invited to submit a Tender on the basis of this Descriptive document.

1.1 Contracting authority

This tender procedure is performed by Rijkswaterstaat Central Information Provision (hereinafter RWS CIV). RWS CIV serves as a central purchasing body with wholesale function. During the implementation phase, RWS CIV is responsible for the contract management.

Rijkswaterstaat

RWS CIV is a national organisation, part of Rijkswaterstaat. Rijkswaterstaat is the implementing organisation of the Ministry of Infrastructure and Water Management. Rijkswaterstaat manages and develops the national roads, waterways, and waters and focuses on a sustainable living environment. Together with other parties, Rijkswaterstaat is committed to a country that is protected against floods. Where there is sufficient green, and enough, clean water. And where one can quickly and safely move from A to B. Working together on a safe, liveable and accessible nation, the Netherlands. That is what Rijkswaterstaat is. More information can be found on www.rijkswaterstaat.nl.

The organisational chart of Rijkswaterstaat is as follows:



Rijkswaterstaat Traffic and Water management

Rijkswaterstaat Traffic and Water management (hereinafter RWS VWM) fulfils the role of national coordinator winter maintenance. In the area of winter maintenance, RWS VWM has a strong coordinating role. In addition, RWS VWM supports, advises and facilitates the regional implementation of the winter maintenance.

- Team Winter Maintenance is responsible for the national coordination of winter maintenance to keep roads accessible to traffic; the Team is also responsible for the management of the hardware
- Functional Management VWM: is responsible for the application Winter Check;
- RWS VWM is the executor of the wholesale function (Central purchasing body) for the partnering road authorities.

Rijkswaterstaat Central Information Provision

Rijkswaterstaat Central Information Provision (hereinafter RWS CIV) sees to the development and availability of data, details and information within Rijkswaterstaat. RWS CIV sees to industrial automation for bridges, tunnels, national roads and other objects. Additionally, RWS CIV arranges the office automation of Rijkswaterstaat.

KNMI

The KNMI (Royal Dutch Meteorological Institute) is the national data and knowledge centre for weather, climate and seismology. The KNMI is part of the Ministry of Infrastructure and Water Management.

The KNMI issues advice for the application of sensors in road weather systems. Furthermore, as an advisor, the KNMI is operationally involved with the RWIS and the calibration of meteo sensors.

Partnering road authorities

All provinces and multiple municipalities in the Netherlands have decided to cooperate with RWS in the usage and purchase of the new RWIS.

On the basis of covenants to be concluded with RWS, public road authorities can join the collaboration as partners, but also withdraw from it.

1.2 Reason for this tender procedure

Ambition weather-related traffic management

RWS and the partnering road authorities wish to move along with the future functional and technological developments for the broader use of data, such as floating car data. The new contracts shall add to the ambition of RWS in the area of weather-related traffic management, including winter maintenance. Hereby, RWS will serve as a pioneer and unites the partners using knowledge and development, as a winter maintenance operator for the Netherlands.

Background of current Iciness alert system, GMS

Iciness coordinators use the GMS (GladheidMeldSysteem), the current Iciness alert system, to assess the current road condition in their area of coordination, as well as the expectations for the road surface. On the basis thereof, they decide whether or not to salt the roads. Using GMS, salting takes place only when and where necessary. The lack of decision-supporting information from the GMS would lead to (a lot) more or early salting actions to avoid safety risks. The consequence could be unnecessary use of salt and higher costs.

Current GMS

The current GMS is based on customisation developed by RWS and has existed for some 35 years. GMS controls about 350 measuring stations along motorways and provincial roads. The measuring stations collect data using sensors in the road surface and sensors alongside the road. These data are edited, enhanced and presented in the current central application with the name GMS Winter-Control.

The current GMS measuring stations are outdated, have high management costs and must be replaced.

RWIS

The RWIS is a new nationwide system, focused on traffic management in case of extreme weather conditions, including iciness. The RWIS will take over the functionality of the present outdated GMS and expand it further.

A RWIS measuring station is a road side station and consists of a number of modular elements;

- A casing for CPU, power connection and network connection;
- Road surface sensors;
- Meteo sensors;
- Camera (not at every location) to be able to retrieve live camera images of the relevant location;
- A construction that the sensors can be attached to;
- Occasionally different equipment, for instance a sprinkler-installation.

During the lifespan of the RWIS, on the basis of developments regarding technology and functionality, new and renewed modular elements will be applied.

Tender procedures

RWS makes two separate tender procedures, aimed at the realisation and exploitation of an RWIS for purposes of RWS and of partner road authorities, such as provinces and municipalities. Here, RWS fulfils a wholesale function with the setup of a central purchasing body, in accordance with the European Procurement Act and also serves as an expertise centre.

With these tender procedures, the main objective of RWS is:

purchasing, installing and managing & maintaining new measuring stations on all measuring locations, on the basis of *commercial off the shelf* (COTS) products for purposes of the RWIS

These tender procedures will result in two contracts and generally concern:

Contract 1: supply of new measuring stations and components for Road Weather Information Systems (concerns this tender procedure with case number 3115 8671)

Contract 2: installation and management & maintenance of the new Road Weather Information System (this is a separate tender procedure that will be published later this year)

In the implementation phase, this requires an 'attitude and behaviour' from the Contractors, aimed at optimal cooperation in the technical chain.

Intended result

The intended result of the tender procedures is the realisation of an RWIS with premium, flexible and durable measuring stations. This will lead to:

- Securing the continuity and future proofness of the RWIS.
- Possibility of extending the RWIS as part of the RWS Partner programme.
- Complying with the changing functional need of RWS and partners for extreme weather conditions.
- Realising efficient Management & Maintenance.

The ultimate result is an increase of the safety for road users, given preconditions from sustainability and costs.

Objectives with respect to customer value

The objectives that RWS wants to achieve are:

- We are a reliable partner for partner-road authorities;
- We realise reliable, durable, effective and cost efficient, weather-related traffic management by applying new techniques;
- We have up-to-date and future-proof solutions for preventive and curative combating of iciness as a result of ice and snow;

- We apply functional, technical and process innovations in the broad approach of 'extreme weather'.

Indicators for the customer value:

- The availability of the RWIS is guaranteed (timely, complete and correct supply of information with respect to iciness and extreme weather);
- Affiliation of existing and/or more new partners with RWIS is possible;
- RWIS measurably contributes to minimising traffic nuisance.

1.3 Market consultation

In 2020, a market consultation was conducted via TenderNed.

The market consultation has shown that the market for supplying the measuring stations is mature. There are various manufacturers that supply standardised "off the shelf" systems. This market mainly consists of foreign parties with a proven (international) track record for the quality they deliver. For example, KNMI, airports and other large organisations that collect meteorological data for their business processes are customers of these suppliers.

The market consultation has also shown that there is a mature market for the installation, management and maintenance of measuring stations. This mainly concerns Dutch parties that have indicated that they can work with various types of measuring stations and sensors. Separating the supply of the measuring stations from the installation, management and maintenance will therefore not create technical obstacles.

1.4 Planning

For this tender procedure, planning below is applicable.

15-06-2022	Publication announcement of the assignment, start of registration term
23-06-2022; 09:00-10:00	Digital Information meeting by TEAMS
12-07-2022; 17:00 hours	Deadline for Bidder to ask questions about this Descriptive document including appendices and for making text proposals by Bidder regarding the draft Contract (including ARBIT-2018)
18-07-2022	Publication Q&A document
29-07-2022; 12:00 hours	Last date and time of submittal and receipt of Tenders
29-07-2022 until 31-08-2022	Assessment of Tenders
01-09-2022	Submittal of announcement award decision; Start of Standstill period.
22-09-2022	Last date for requesting a preliminary provision regarding the Announcement award decision
23-09-2022	Start date of Contract

If Rijkswaterstaat is of the opinion that circumstances give reason to do so, Rijkswaterstaat could alter the term(s) mentioned. In that case, the new term(s) will be made known timely. The planning in TenderNed is leading.

2. Assignment description

This chapter includes information about the assignment. At the time of determining the assignment, Rijkswaterstaat considered the scope and the complexity of the assignment, as well as the number of potential Bidders, the transaction costs and the nature of the market.

2.1 Description and purpose of the assignment

By means of this tender procedure, RWS is looking for the one specialist in the area of RWIS that will be involved for a prolonged period of time and will actively contribute to the continuity of reliable and available measuring data. This concerns a supplier that:

- Delivers existing and demonstrably functional solutions, in accordance with the principle commercial off the shelf (COTS);
- Delivers premium and reliable solutions with functionalities as desired by RWS;
- Delivers timely and efficiently;
- Performs third-line management at a premium technical level;
- advises in the area of innovation in order to be agile and future-proof;

so this will maximally contribute to the objectives of RWS.

This should ensure that:

1. road authorities and iciness fighters can work more efficiently;
2. management and maintenance costs are reduced substantially;
3. there is a proper basis for innovative information technology.

RWS is furthermore looking for a supplier that:

- supplies high-quality and reliable RWIS;
- has based a business model on the supply of customer value in a long-term relationship;
- has an attitude aimed at collaboration, on a basis of sufficient expertise and who puts the joint result first;
- brings the required technical expertise (skill, solution-oriented approach and innovation strength);
- in short: actively thinks along and contributes to the shared success.

Scope

Included within the scope of the assignment, are:

1. Supply of RWIS components
2. Advice and Support
3. 3rd-line support

Ad 1.

The scope of the components to be delivered encompass all modules, both hardware and software, from which an RWIS can be constructed, including instruction documents with respect to installation, maintenance and calibration. These include measuring stations and also modules required for the management of the measuring stations and to collect and present data, for instance a central application.

The components will be

1. Delivered as a number of compound configurations
2. Delivered as single modules or as parts of modules

Contractor shall ensure that spare components will be deliverable during the contract term.

The components to be used initially, are specified in the procurement documents and will be included in the product catalogue. During the term of the contract, new versions and other types of components can be purchased (new/other technology, new/other functionality, innovation). The product catalogue will be amended for this purpose.

The following modules will be provided initially:

- Sensors for road surface measurements;
- Sensors for general meteo measurements;
- Power supply for measuring station (the supply mains to which measuring stations will be connected is managed at the RWS Regional Services);
- Provision for internal network communication measuring station (modem/router for external network communication will be supplied by RWS);
- Casing for modules;
- Other modules (e.g. camera and IOT sensor).

Ad 2.

Advice and support from an expertise point of view, on a strategic, tactical and operational level:

- Strategic:
 - by frequently actualising a roadmap for future developments after the initial installation has been performed for the future proofness of the RWIS.
- Tactical:
 - with respect to installation, use, management & maintenance and innovation of the RWIS systems;
 - with respect to the realisation of improvement of the RWIS systems, on the basis of periodic analyse regarding use and Management & Maintenance;
- Operational:
 - by training and supporting the party that carries out installation, Management & Maintenance of the RWIS, in such a way that the risk of faulty installation on site is minimised and the proper functioning of the measuring stations is guaranteed;
 - by issuing regulations and providing support with respect to calibration of sensors.

Ad 3.

As part of 3rd line support (on the basis of ITILv4), Contractor will provide technical support:

- in solving complex incidents and problems in the RWIS-chain during Management & Maintenance of RWIS; swift and expert response is required in this case; if necessary, the Contractor can be given remote access to systems;
- by issuing patches, updates and new versions of software and firmware that are essential for the proper functioning of the RWIS.

2.2 Lots

The tender procedure has not been subdivided into lots because Rijkswaterstaat attaches great importance to uniformity and standardization, in accordance with the i-Strategy established by Rijkswaterstaat.

In addition, Rijkswaterstaat expects to achieve economies of scale by contracting one party.

2.3 Term of the Contract

Rijkswaterstaat intends to proceed to closing a Contract for an indefinite period of time, with a minimum term of 4 years.

2.4 Size of the assignment

Regarding the fixed term of 4 years, Rijkswaterstaat assumes the supply of circa 350 measuring stations. This number could increase as other road authorities join the RWIS partnership.

Regarding the fixed term of 4 years and the stated number of measuring stations, Rijkswaterstaat assumes an estimated assignment value of 5 - 10 million Euros, excluding VAT.

The estimated value does not concern a guaranteed turnover. It is an indication that no rights can be derived from.

During the composition of this Descriptive document the latest knowledge and insights were applied.

Rijkswaterstaat wishes to enter into a long-term engagement with Contractor. During the period after the fixed term, components will be needed for replacement. On the basis of business cases, RWS will make decisions regarding the implementation of new functionalities.

3. Requirements in terms of the assignment

This chapter includes the requirements set by Rijkswaterstaat, in terms of the requested supplies and additional services. Non-compliance with one or multiple requirements will imply that the Tender will not be assessed any further and that the Tender will be set aside.

By submitting a Tender, accompanied by the appendix 'Statement of approval', Bidder explicitly agrees with all requirements and conditions stipulated in this chapter or in the appendices referred to, and declares that he will continue to comply throughout the entire implementation period of the relevant Contract.

3.1 Requirements with respect to the assignment

The requirements with respect to the assignment are included in the appendices

- Demands Requirements Specification (DRS)
- Process Requirements Specification (PRS)

3.2 Requirements with respect to information security

Security is an integral part of the Information provision by Rijkswaterstaat and aims to guarantee the availability, the integrity, the confidentiality and controllability of the Information provision. Information provision is defined as the entirety of auxiliaries, data collections and organisational facilities serving to the supply of information. The Baseline Information security Government (hereinafter: BIO) dictates the basis level for information security at the Central Government. The BIO offers one single set of standards for the security of the Information provision (IV) of the State.

To this tender procedure, the security demands and measures for security, as included in the appendices are applicable.

3.3 Requirements with respect to the environment

For the implementation of this assignment, Bidder must be holding the required environmental permits.

3.4 International Social conditions (operating conditions)

The International Social conditions (hereinafter: ISV) contribute to the elimination of social malpractices in the purchase chain, such as child labour, poverty wages and inhuman working conditions. Via a process of due diligence, the ISV aim for improvement of the compliance with the international labour standards and human rights in the production chains of Governmental suppliers.

When submitting a Tender, Bidder commits to compliance with the ISV. This is a condition for implementation.

4. Requirements in terms of the Bidder

This chapter states the requirements set by Rijkswaterstaat in order to determine whether a Bidder is suitable for performing the Contract. To this end, Cases of exclusion and Suitability requirements will be applied.

Via the 'European Single Procurement Document', the Bidder indicates whether or not the Cases of exclusion apply to him and whether he complies with the Suitability requirements.

4.1 Cases of Exclusion

Rijkswaterstaat will exclude a Bidder in case one or more grounds for exclusion(s) apply to Bidder, unless Rijkswaterstaat still admits the Bidder to the tender procedure on the basis of article 2.86a, 2.87a or 2.88 Procurement Act.

The appendix 'European Single Procurement Document' includes the obligatory cases of exclusion and the applicable facultative cases of exclusion, declared by Rijkswaterstaat.

For the ground for exclusion "Grave professional misconduct" it applies that an ACM-fine is regarded as (an indication of) grave professional misconduct, in any case.

For verification purposes, the following documentary evidence will be requested:

- Declaration of Conduct Tendering
- Declaration payment behaviour compliance with fiscal obligations by the Tax authorities

PLEASE NOTE: take account of the application time of the Declaration of Conduct Tendering (hereinafter: GVA) and the Declaration payment behaviour compliance with fiscal obligations by the Tax authorities. It is the Bidder's responsibility to ensure that the GVA or Declaration by the Tax authorities is timely applied for to be able to meet the submittal term. (In the event of relying on one or multiple third parties, also these businesses must produce a GVA (Declaration of Conduct) and a Declaration payment behaviour compliance with fiscal obligations by the Tax authorities). At the time of the deadline of receipt of Tenders, the GVA should not be older than 2 years and the Declaration payment behaviour compliance with fiscal obligations by the Tax authorities should not be older than 6 months.

If the country where he is based has no equivalent declaration, a foreign entrepreneur can produce a statement made under oath, or a formal declaration in the presence of a competent judicial or administrative authority, a notary or a competent professional association of that country, to Rijkswaterstaat.

4.2 Prior knowledge and conflict of interest

The directives of Rijkswaterstaat to prevent prior knowledge and conflict of interest, as set out in the appendix 'European Single Procurement Document (ESPD)' apply in full to this tender procedure.

In case of (former) involvement with the preparation of the assignment, prior knowledge and/or conflict of interest is suspected. Rijkswaterstaat will give the Bidder the opportunity to refute the relevant suspicion and demonstrate that the honest competition will not be harmed by the (earlier) involvement, to the satisfaction of Rijkswaterstaat. An entrepreneur could be excluded from participation in the tender procedure if the relevant suspicion is not refuted.

4.3 Suitability requirements

This paragraph states the suitability requirements set to Bidder. Bidder must comply with these. If not, the Tender will be set aside.

Using the appendix 'European Single Procurement Document', the Bidder declares that he complies with the Suitability requirements, as set out in this paragraph of the Descriptive document and will continue to comply during the term of the Contract.

4.3.1 Financial and economic capability

Bidder must dispose of sufficient financial and economic capability to comply with the obligations deriving from the Contract. RWS-CIV will not set any further requirements with respect to financial and economic capability.

4.3.2 Technical competence and professional aptitude

Rijkswaterstaat has established the following requirements for the tests of technical competence

and professional aptitude.

4.3.2.1 Core competences

Rijkswaterstaat established the following core competence, that corresponds with the experience regarding essential aspects of the assignment.

Core competence : knowledge and experience in terms of measuring stations with road surface and meteorological sensors.

The core competence must be demonstrated by means of references.

Aspects that the references should prove to be concrete, are:

- Supply of RWIS measuring stations and components:
 - as COTS (Commercial Off the Shelf) products,
 - on the basis of proven technology, and
 - that meet common international standards
- Training of installers,
- Track record of product development and innovation
- Performing of 3rd line support,
- Specialist support by technical experts

Regarding abovementioned core competence, Bidder must have performed one reference assignment that complies with the following requirements:

- The topic of the reference assignment must be comparable with the relevant core competence.
- The reference assignment must be performed or have been completed over the last three years prior to the publication date of this tender procedure on TenderNed.
- If a not yet (completely) finished assignment is being used, only the actually achieved results of the ongoing Contract can be provided, a prognosis of the results will not suffice.
- The reference assignment must have been completed properly, both in terms of the method and with respect to the result. The final result is relevant, but also the method of completion.

Multiple references are allowed only if these references complement each other, in order to demonstrate the relevant core competence in its entirety.

Per reference assignment, it must be substantiated why the reference(s) is/are relevant for the current assignment. The following should be included:

- The core competences or parts thereof that are covered.
- Description of the activities performed by the entrepreneur and the achieved results.

The following documentary evidence will be requested as a verification (to be submitted upon Tender)

- appendix 'Reference statement'

Bidder will use the appendix 'Format Reference statement' for each reference assignment.

By submitting a reference, Bidder gives Rijkswaterstaat permission to check references for accuracy and to contact one or more references without interference and/or approval of Bidder.

4.3.2.2 Quality management

Bidder must apply a quality management system that complies with the NEN-EN-ISO 9001 standard, on the implementation of the assignment. Therefore, Bidder must have a quality management system that complies with the NEN-EN-ISO 9001 standard with the topic of this tender procedure as its scope.

As a verification, the following documentary evidence will be requested (to be submitted upon Tender)

Bidder will demonstrate this by means of:

- producing a copy of a valid NEN-EN-ISO 9001 certificate, issued by conformity assessment authorities that comply with the European set of standards for certification;

OR

- equivalent certificates from authorities based in other member states of the European Union.

OR

- other evidence regarding similar measures in the area of quality management, if the Bidder cannot obtain the certificate within the terms, for reasons that cannot be attributed to him. By means of an audit report, Bidder proves that the proposed measures, in the area of the quality management, meet the quality standard NEN-EN-ISO 9001. Bidder should still produce a copy of a valid NEN-EN-ISO 9001 certificate, issued by conformity assessment authorities, complying with the European set of standards for certification, equivalent certificates of authorities based in other member states of the European Union, to client within 3 months' time.

5. Award criteria

This chapter includes the award criteria, these are the criteria on the basis of which the Tender is assessed. When responding, Bidder must take into account the requirements set in chapter 3. The criterium for the awarding of the Contract is the 'most economically advantageous Tender, with the best price-quality ratio' (hereinafter: BPQR). Bidder must add the elaborations on the BPQR-criteria in TenderNed to the Tender.

5.1 BPQR-criteria

The BPQR-criterium is split into two BPQR-criteria, as shown in table below.

Nr.	BPQR-criteria	Weighing
1	Quality	70%
2	Price	30%

5.2 BPQR-criterium quality

The BPQR-criterium quality is subdivided into quality criteria. The quality is assessed on the basis of the documents submitted by Bidder.

Nr.	Quality criteria	Weighing factor
5.2.1	Product quality	30%
5.2.2	Supply and support	30%
5.2.3	Product development	25%
5.2.4	Sustainability	15%
		100%

Bidder must also describe the elaboration of the quality criteria such detailed and unambiguously, that Rijkswaterstaat is able to assess whether the performance to be delivered by the Bidder is in connection with the assignment of Rijkswaterstaat.

Requirements on the elaboration of the quality criteria:

- For each quality criterium Bidder shall submit a description of 3 pages A4 at most, with well legible font.
- Bidder will mention:
 - The applicable quality criterium concerned.
 - Which scoring element is concerned.
 - The elaboration of the items.
- Bidder elaborates the following items per scoring element:
 - Measures: which measures will be taken by Bidder.
 - Result: what result will the measure(s) lead to and to what extent does the result contribute to the objective of the relevant quality criterium.
 - Substantiation: why will Bidder realise it this way (theoretical and/or technical explanation), whereby Bidder substantiates that the measures will work, the result will be achieved and will contribute to the objective.

Assessed will be the extent to which:

- The offered measures and results (performance) contribute to achieving the objective (effect of the measures and results offered)
- The offered measures and results (performance) are substantiated

5.2.1 Quality criterium Product quality

Objective

Rijkswaterstaat wants to install COTS-measuring stations with the following properties

- Modular solutions fitting to multiple road situations

- Proper functioning with accurate and reliable measurements
- Proven technology with high availability and quality
- High degree of maintainability, minimal traffic nuisance and low maintenance costs (life cycle cost) due to replacements
- Long useful life, both technically and functionally

Scoring elements

1. Design

Bidder submits a description stating how the design of the measuring stations will be shaped and implemented, to structure the objective described for this quality criterium.

2. Production and assembly

Bidder submits a description stating how the production and assembly will be shaped and implemented, to structure the objective described for this quality criterium.

3. Quality assurance and testing

Bidder submits a description stating how the quality assurance and testing will be shaped and implemented, to structure the objective described for this quality criterium.

5.2.2. Quality criterium Delivery and Support

Objective

Rijkswaterstaat strives for efficient installation, management and maintenance of the RWIS. Therefore, Rijkswaterstaat deems high supply reliability and good support by Contractor imperative.

Important aspects are:

- Guaranteeing the agreed delivery term
- Long-term deliverability and support of equipment
- Training and documentation with regard to installation, management and maintenance for RWS and its contractors
- Advise about design and installation at different measuring locations
- Support during installation of the measuring stations, particularly if parts appear to be failing during installation alongside roads
- Possibility to occasionally connect to the management systems of RWS and its contractors
- Support during analysis of measuring data
- Support during management & maintenance
- Patches and new releases

Scoring elements

1. Delivery

Bidder submits a description stating how the delivery process will be shaped and implemented, to structure the objective described for this quality criterium.

2. Support of RWS and its contractors

Bidder submits a description stating how the support process to the parties implementing the installation, management & maintenance will be shaped and implemented, to structure the objective described for this quality criterium.

3. Third line support

Bidder submits a description stating how 3rd line support will be shaped and implemented, to structure the objective described for this quality criterium.

5.2.3 *Quality criterium Product development*

Objective

Rijkswaterstaat deems a high flexibility and continuous improvement, with respect to the developments in technique and functionality, applied in RWIS, of major importance. Major aspects are:

- Incorporating international technical developments
- Complying with modified and new functional needs
- Standardisation of measuring stations (limiting of diversity)
- Market conforming conditions and costs regarding the implementation of new technique and functionality

Scoring elements

1. Flexibility of the design of the measuring stations

Bidder submits a description of the flexibility of the design, so the objective described for this quality criterium can be structured.

2. Further development/roadmap

Bidder submits a description stating how the further development process will be shaped and implemented, to structure the objective described for this quality criterium.

3. Modification

Bidder submits a description stating how the change process (adjustment and renewal of the product catalogue for RWS) will be shaped and implemented, to structure the objective described for this quality criterium.

5.2.4 *Quality criterium Sustainability*

Objective

Rijkswaterstaat attaches great importance to sustainability. Major aspects are:

- Energy and climate
 - Energy consumption in the production process
 - Energy consumption in the operational phase
- Materials, raw materials and circular economy
 - Origin of materials used (e.g. recycled content)
 - Design for reparability and possibility of disassembly
 - Use of critical raw materials
- Social aspects
 - Use of people who are distant to the labour market
 - Social enterprise

Scoring elements

1. Approach of energy consumption

Bidder submits a description stating how the approach towards energy consumption will be shaped and implemented, to structure the objective described for this quality criterium.

2. Approach of materials, raw materials and circular economy

Bidder submits a description stating how the approach towards materials, raw materials and circular economy will be shaped and implemented, to structure the objective described for this quality criterium.

3. Approach social aspects

Bidder submits a description stating how the approach towards social aspects will be shaped and implemented, to structure the objective described for this quality criterium.

5.3 BPQR-criterium price

Financial Offer

For purposes of an objective assessment of the tenders, RWS opted for presenting a format (see appendix E Format Financial Offer). This format is obligatory and must be followed by Bidder.

The financial offer must comply with the following requirements.

- All prices and rates are in Euros, excluding VAT;
- The prices and rates include all costs, to be able to realise the assignment. This concerns, for instance, costs for project management, development, transport, insurances, travel and accommodation, all administration and office costs and all other additional costs and surcharges;
- Bidder will state the prices and rates of his financial offer only in the presented format and not in other documents.
- RWS requires COTS products. Bidder must add his standard European price list for supply of COTS products to the offer.
- The prices of components must be in accordance with bidder's standard European price list.
- If Bidder makes use of a discount rate for a component in his offer, he shall use this percentage as a minimum in any future supply.
- Bidder must fully follow the instructions given in the Format Financial Offer.

Tender Price

The stipulation of the Tender price used in the assessment of this award criterium, is composed as follows.

1. Of each price item, as offered by bidder in the Financial Offer on the tab "Tender Price", the price is multiplied by the factor in the corresponding column.
2. Subsequently (conform previous bullet) all calculated products will be added together to calculate the Tender price.

6. Assessment

In this chapter, the assessment has been elaborated.

Before proceeding to opening of the Tenders, an assessment instruction has been composed. This assessment instruction is an internal Rijkswaterstaat document and will not be made available to Bidders. The information that is relevant to Bidders is stated in this Descriptive document.

Rijkswaterstaat will make assessments on the basis of expert opinion. This implies that experts make a professional judgement on the basis of the own knowledge and expertise. In order to guarantee the objectivity, a (sub)assessment team will be compiled such that it represents all relevant disciplines. In this instance it applies that for each aspect of the assessment at least two persons are seated in the (sub)assessment team holding the necessary expertise.

6.1 Assessing on complete and valid Tender

On the basis of the documents issued upon the Tender, it will be assessed whether the Tender complies with all conditions and requirements included in this document.

The Bidder could be excluded from further participation in this tender procedure and the Tender procedure will not be further assessed if the conditions and requirements were not met, unless reinstatement is permitted within the boundaries of procurement law.

6.2 Assessing on grounds for exclusion and suitability

Grounds for exclusion

Rijkswaterstaat will exclude a Bidder in case one or more grounds for exclusion(s) apply to Bidder, unless Rijkswaterstaat still admits the Bidder to the tender procedure on the basis of articles 2.86a, 2.87a or 2.88 Procurement Act. For more information, see chapter 4.

Suitability requirements

The assessors will first individually evaluate the registrations in accordance with the instructions included in the assessment instruction. Afterwards, the Tenders will be discussed jointly by the assessors, to reach a careful evaluation.

Bidders who do not meet one or more suitability requirements will be excluded from the rest of the procedure. The suitability requirements are described in chapter 4.

6.3 Assessing on requirements of the assignment

Tenders that do not meet the requirements of the assignment, will be excluded from further participation in the tender procedure.

6.4 Assessing on award criteria

The non-excluded Tenders will be assessed on the basis of the BPQR-criteria (see chapter 5). The most economically advantageous Tender is the Tender with the highest total end score.

6.4.1 Assessment on BPQR-criterion quality

Each assessor will first individually evaluate the Tenders, in accordance with the instructions included in the assessment instruction. Afterwards, the Tenders will be discussed jointly by the assessors to plenary and meticulously grant one score for every scoring element in consensus.

If, in an exceptional case, no consensus is reached for a scoring element, the arithmetic average of the scores granted by the individual members will be determined and used as the score in consensus, for the relevant scoring element.

In the quality criteria it is stipulated which assessment frame is applied.

During their assessment of the scoring elements mentioned, the members of the assessment team will make use of table below.

Score table	
Score	Note
0	Bidder does not substantively, relevantly, or appropriately address the requested points of attention.
1	The elaboration is of limited quality. Bidder only partly address the request points of attention substantively, relevantly, or appropriately. The elaboration is poorly substantiated and is to some extent connected with the assignment of Rijkswaterstaat. The elaboration is aligned with the quality criterium to a limited extent.
2	The elaboration is of good quality. Bidder substantively, relevantly, or appropriately addresses the requested points of attention. The elaboration is well substantiated and is clearly connected with the assignment of Rijkswaterstaat. The elaboration is properly in line with the quality criterium.
3	The elaboration is of excellent quality. Bidder substantively, relevantly, or appropriately address the requested points of attention very well. The elaboration is expertly substantiated and is excellently in line with the assignment of Rijkswaterstaat. The elaboration is very well in line with the quality criterium and exceeds the expectation.

In case more pages than the maximum number of pages are submitted, only the part consisting of the first page up to the maximum permitted number of pages for the relevant criterium will be assessed.

Determining score per quality criterium:

The score per quality criterium is determined by adding of the scores of the accompanying scoring elements.

Per quality criterium, a score of 0 – 9 points can be reached.

Per quality criterium, Bidder must reach a score of at least 3 to qualify for award. If this is not the case, the Tender will be set aside.

Determining the score for the BPQR-criterium quality:

The score per quality criterium is multiplied by the accompanying weighing factor (see table in par. 5.2) resulting in the weighed score per quality criterium.

The score for the BPQR-criterium quality is subsequently determined by adding the weighed scores per quality criterium.

Determining the end score for the BPQR-criterium quality:

The end score for the BPQR-criterium quality is determined as follows:

Quality: the Bidder with the highest score for the BPQR-criterium quality will be granted the maximum number of points for quality (700 points). The other Bidders will get a valuation related to the highest score for the BPQR-criterium quality, in accordance with the formula:

$$700 * (\text{score BPQR-criterium quality Bidder}) / (\text{highest score BPQR-criterium quality}).$$

6.4.2 Assessment on BPQR-criterium price

The end score for the BPQR-criterium price is determined as follows:

Price: the Bidder with the lowest Tender price will receive the maximum number of points for price (300 points). The assessment on the Tender price takes place on the basis of the following formula:

$$300 * (\text{lowest Tender price}) / (\text{Tender price of the Bidder}).$$

6.4.3 Establishing total end score

The end score for the BPQR-criterium price and the end score for the BPQR-criterium quality will be added and form the total end score. The Bidder with the highest total end score qualifies for award of the contract..

The total end score of a Bidder will be rounded off to a whole number. Up to the moment of determining this total end score, numbers will not be rounded off. If two or more Bidders have reached an equal end score, resulting in that Rijkswaterstaat should award more than the desired number of Bidders, drawing will be applied to decide which Bidder the assignment should be awarded to.

6.5 Assessment of documentary evidence

In this Descriptive document it is indicated which documentary evidence should be produced directly upon submittal of the Tender. The other documentary evidence only needs to be produced upon request by Rijkswaterstaat. However, Bidder can also submit all documentary evidence directly with his Tender.

Documentary evidence not yet produced will be requested by Rijkswaterstaat, from the Bidder who qualifies for granting, prior to the Announcement of the award decision. If Rijkswaterstaat deems it necessary, for purposes of proper progress of the procedure, Rijkswaterstaat may request the documentary evidence from all Bidders at an earlier stage.

The documentary evidence must demonstrate that the Bidder indeed complies with what was stipulated in the 'European Single Procurement Document' and the Tender procedure.

If Rijkswaterstaat should not agree with the content or validity of certain documentary evidence produced by Bidder, this could lead to the Bidder being excluded from the remainder of the procedure. In such an instance, Rijkswaterstaat will again establish the Tender with best price-quality ratio. The scores of the Bidder who was set aside will be taken from the assessment. Subsequently, the calculations on the basis of the assessment methodology will be carried out again, whereupon a new ranking will be determined.

7. Tender procedure, requirements and conditions

This chapter describes the tender procedure, requirements and conditions that apply to this procurement. Non-compliance with the tender procedure, requirements and conditions may result in the Tender being set aside.

7.1 Statement of approval

By submitting a Tender, accompanied by the appendix 'Statement of approval', Bidder explicitly agrees with all criteria, requirements and conditions included in this Descriptive document. A Tender under conditions is not permitted¹. If the appendix 'Statement of approval' is lacking or the legal signing in the appendix 'Statement of approval' is lacking, the Tender will be set aside.

7.2 Planning

The planning is incorporated in the scheme in paragraph 1.4.

7.3 TenderNed

The tender procedure will be performed electronically, by means of TenderNed: www.tenderned.nl. To be able to participate in the tender procedure, an entrepreneur must be registered in TenderNed. E-Recognition is compulsory for every Dutch enterprise registered at the CoC, to be able to register and log in. The consequences of not (timely) registering E-Recognition are for Bidder. The "Operational conditions TenderNed" do apply here.

A Bidder is expected to have all the required knowledge to adequately go through a TenderNed tender procedure. Use of TenderNed is for the account and risk of the entrepreneur, except for what is set out in paragraph 7.11.

All communication with respect to this tender procedure goes via TenderNed, unless stipulated otherwise. It is not permitted, as part of this tender procedure, to keep contacts or ask questions in ways other than via TenderNed. If the communication cannot go via TenderNed, Bidder can contact the contact person mentioned below:

Jan de Jong, sending an email to inkoopcentrum-iv@rws.nl.

It is not permitted to directly approach anyone else than the abovementioned contact person, with respect to this tender procedure.

For any questions related to the functionality or technique of TenderNed, Bidder can contact the TenderNed service desk. Bidder can also consult the E-Guide (electronic manual) via <http://www.tenderned.nl/egids/>.

7.4 Questions, information and complaints

Questions and information

During the procedure, Bidder can ask questions via TenderNed. Question could, for instance, concern ambiguities, contradictions or inaccuracies. Questions must be submitted by means of the facility "questions and answers" incorporated in TenderNed. Questions must be formulated clearly, with a reference to the section of this document and/or the appendix to which the question relates, possibly stating a correction proposal. All questions will be answered anonymised. The last date for asking questions has been incorporated in the planning, however, Rijkswaterstaat encourages Bidders to ask questions at their earliest convenience. RWS will answer the questions at the earliest possible date. At any rate, all questions asked will be answered 10 calendar days before the last date of submittal of the Tender at the latest.

Proactivity

Bidders are expected to have a proactive attitude. This means that Bidder cannot make a lawful appeal to deficiencies or contradictions that were not brought to the attention by him within the term mentioned, while this could reasonably be expected from him. In terms of these deficiencies or contradictions, in such instances, Bidder's rights have expired.

Individual information

A Bidder can be motivated to request that certain information is not accessible for all those involved in a tender procedure, in case disclosure of this information could be detrimental to the Bidder's legitimate economic interests. In TenderNed, Bidder must tick the box 'Treat individually' and motivate the importance of individual treatment. It is however up to Rijkswaterstaat to decide whether Bidder's motivation to deal with the question individually, suffices. Bidder could ask an individual question which Rijkswaterstaat is motivated to reject. Bidder must indicate whether, in this instance, he would like to see the question answered by means of a general Q&A document or that he withdraws the question. Individual answers are subordinate to the general Q&A document.

Answers by Rijkswaterstaat

The Q&A document is an integral part of this Descriptive document.

Rijkswaterstaat assumes that, with respect to the parts that did not raise any questions, there are no ambiguities.

Complaints mechanism

If a Bidder disagrees with the response of Rijkswaterstaat or when there is no response, he can file a complaint with the Central complaint communication point Tendering Rijkswaterstaat, via the email address: klachtenmeldpunt@rws.nl.

Filing a complaint will not have a suspensory effect in principle.

Information meeting

Rijkswaterstaat will organise a digital information meeting by MS TEAMS on the 23th of June 2022, 09:00-10:00 (Dutch time). During this meeting, Rijkswaterstaat will explain this tender procedure and the scope of the assignment. Bidder can submit questions regarding this meeting beforehand, until the time indicated in the section planning. Where possible, Rijkswaterstaat will provide a preliminary answer to the questions submitted during the meeting. Bidder cannot derive any rights from the preliminary verbal answering. The questions submitted will receive a definitive answer via TenderNed.

In case Bidder should like to accept the invitation, he is requested to communicate whom his organisation will be represented by, via TenderNed 'Messages', on the date/time indicated in the planning. A maximum of 5 persons will be permitted per company.

7.5 Term of fulfilment and Tender

The Tender submitted by Bidder must be complied with for the duration of three months after the last date before submittal of the Tender. If, against the Announcement of the award decision with the competent court at The Hague, a preliminary provision was requested, the Bidders must at any rate fulfil their Tender until four weeks after the judicial decision at first instance.

7.6 Variants

In addition to a Tender, in accordance with the Descriptive document, Bidder cannot offer a variant to this.

7.7 Costs of the Tender

Rijkswaterstaat will not reimburse any costs for the composition and issuing of a Tender, including any further information to be provided.

Any costs or damage (that could be) arising from non-awarding this contract (to Bidder) are for the account and risk of Bidder.

7.8 Ceasing of tender procedure

Rijkswaterstaat reserves the right to temporarily or definitively cease the tender procedure partially or entirely. In such an instance, Rijkswaterstaat will determine whether Bidder(s) is/are entitled to compensation of any costs incurred as part of this tender procedure.

In case of cessation of the procedure, the Bidders involved will simultaneously be notified of the reasons. If a Bidder involved does not request a preliminary provision within 7 calendar days after submittal, objections can no longer be made in response to this decision, whereupon his relevant rights will expire.

7.9 Ranking of documents

In case of any contradictions between the Descriptive document and the Q&A document, the Q&A document will prevail. Individual responses are subordinate to the general Q&A document.

7.10 Obligations in the area of environmental, social law and labour law

Upon composition of his Tender, Bidder must take account of the obligations in the area of environmental law, social law and labour law, under the Law of the European Union, national law and collective labour agreements, as well as under the provisions of international environmental, social and labour law, stipulated in appendix X of directive 2014/24/EU. By means of the appendix 'Statement of approval', Bidder declares to have done this.

Information about the obligations in terms of the provision regarding taxes, environmental protection, labour protection and working conditions applicable in the Netherlands and applicable to the Bidder's operations, during the term of the Contract, can be obtained:

From the tax authorities: for provisions concerning taxes;

From the Central Government: for provisions concerning environmental protection;

From the Ministry of Social Affairs and Employability: for labour protection and working conditions.

7.11 Submittal of the Tender

The deadline for submitting the Tender was set in TenderNed and is a fatal moment.

- The closing time for submittal of Tenders, indicated by the countdown digital clock in TenderNed, is leading.
- Rijkswaterstaat can only view the Tenders after opening the digital vault in TenderNed. This can be opened only after the last supply date and time have passed. Rijkswaterstaat will only deal with Tenders that were found in the digital vault.
- The risk of too late submittal of the Tender and/or submittal of an incomplete Tender lies with Bidder.
- Rijkswaterstaat is not responsible, nor liable for the consequences suffered by Bidder, due to submitting a belated, incorrect or incomplete Tender.

In case TenderNed should not be accessible at the time of the deadline, for receipt of the Tender, as a consequence of a failure at E-Recognition, in TenderNed or on the high-voltage grid, this will be regarded as a force majeure situation. In these instances, the deadline for receipt of the registrations could be postponed by Rijkswaterstaat, depending on the situation and the consequences. The altered deadline for receipt of the Tenders will be communicated via TenderNed, 'Rectification'.

Opening registrations

Opening of the digital vault is not a public affair. Rijkswaterstaat will treat the information provided by Bidder with confidentiality. The price aspect of the Tender will be opened only after completion of the qualitative assessment.

7.11.1 Form and content of the Tender

Please find below an overview of all documents that should be included upon Tender in TenderNed, as well as the related necessary actions.

Number	Description	Action Bidder
1	Statement of approval	Fill in format 'Statement of approval' (Appendix C) and duly sign in a qualified electronic way and add to the Tender in TenderNed.
2	European Single Procurement Document(s)	Fill in format 'European Single Procurement Document' (Appendix A) and add to the Tender in TenderNed.
3	Extract from the professional or trade register	Add to the Tender in TenderNed.
4	Reference statement	Fill in format 'Reference Statement' (Appendix D) and add to the Tender in TenderNed.
5	Documentary evidence Quality Management	Add to the Tender in TenderNed.
6	Elaboration of the quality criteria	Elaborate the quality criteria and add to the Tender in TenderNed.
7	Financial Offer	Fill in format 'Financial Offer' (Appendix E) and add to the Tender in TenderNed.
8	Standard European price list for supply of COTS products	Add to the Tender in TenderNed.

The Tender must comply with form requirements below:

- 1) The documents to be provided upon the Tender must be provided in accordance with the prescribed formats in pdf. The Financial Offer must also be provided in Excel.
- 2) The 'Statement of approval' to be signed, must be signed by a legal authorised/empowered representative of Bidder, by means of a **qualified electronic** signature (PKIoverheid certificate or EU Qualified certificate).

A “qualified electronic signature²” is a signature with a qualified certificate. This certificate is a digital file that has been added to the original document. There are specific entities that issue certificates, the so-called certification service providers³.

Rijkswaterstaat deems it essential that the appendix ‘Statement of approval’ is signed by an authorised person (lawfully representing the legal person). For that reason, Rijkswaterstaat demands a qualified electronic signature, because this is provided with optimal guarantees. A qualified electronic signature gives Rijkswaterstaat the ultimate certainty that the signature was placed by an authorised person and not by someone else.

If it is included in the professional or trade register that two or more persons only jointly have the power of representation, the appendix ‘Statement of approval’ that must be signed lawfully, shall be signed by both these two, or more persons. If the authorisation for representation of the enterprise includes restrictions, these should be taken into account.

In case of a combination, each person of this combination should separately sign the appendix ‘Statement of approval’ lawfully, using an authorised/empowered representative, by means of a qualified electronic signature.

7.12 European Single Procurement Document (ESPD)

By means of the appendix ‘European Single Procurement Document’, Bidder declares that the obligatory and the facultative cases of exclusion, as set out in Part III of the ESPD, do not apply to him. Also, by means of Part IV of the ESPD, the entrepreneur declares that he complies with the stipulated suitability requirements. (Note: In Part IV of the UEA, the term selection criteria is used, which refers to the suitability requirements, as set out in the Procurement Act).

View the paragraph ‘Tender in combination’ and/or ‘Tender with reliance on capacity of third parties’, for the way of Tender in collaboration with other businesses, in which it is indicated of whom, in that instance, a filled in ‘European Single Procurement Document’ should be submitted with the Tender.

7.13 Tender in combination

Tender can be done autonomously or as a partnership (combination). If two or more entrepreneurs submit a Tender as a combination:

- It applies that each participant in the combination is individually and jointly severally liable for the compliance with of the obligations deriving from the Tender, as also the implementation of the Contract;
- Every member of the combination must separately fill in the appendix ‘European Single Procurement Document’, whereby it must be stated:
- Who the members of the combination are (see Part II of the ‘European Single Procurement Document’);
- The role of the relevant member of the combination within the combination;
- Who is in charge (the secretariat) of the combination and acts as a responsible proxy. The coordinator must therefore be authorised to bind the combination and act on behalf of that combination. The coordinator is the organisation that Rijkswaterstaat corresponds with during the term of the Contract, on behalf of the combination, regarding the progress of the implementation and to which Rijkswaterstaat makes the payments;

² Electronic signatures that comply with this standard, could be: PKIoverheid, EU Qualified, or other STORK IV signatures, but also advanced electronic signatures that were created by use of a qualified resource for the creation of electronic signatures, based on a qualified certificate for electronic signatures, as described in the Decree (EU) no. 910/2014 of the European Parliament and the Council of 23 July 2014.

³ The qualified providers of trust services will be incorporated in the so-called “trusted list”. Every member state must inform the European Committee about the trusted lists. The European Committee, in turn, has combined all trusted list in a tool, that can easily be found online. Via this tool, the trusted list for each member state can be viewed. This enables the Bidder to consult which certificate service providers in a member state are indicated as qualified provider of trusted services and are authorised to issue a qualified certificate. The Dutch government makes use of a certificate that was issued by Public Key Infrastructure (PKI)-government. Agency Telecom monitors the certificate service providers.

- Every member of the combination must sign the appendix 'Statement of approval' lawfully, by an authorised/empowered representative, by means of a qualified electronic signature;
- Every member of the combination must provide the requested documentary evidence for this tender, with regard to his share.

7.14 Tender with reliance on capacity of third parties

Bidder (whether or not a combination) can make an appeal to the capacities of one or more third parties to demonstrate that the set suitability requirements are complied with. In that case, the Bidder must indicate, in Part II C of the 'European Single Procurement Document', for which suitability requirement(s) he makes an appeal to the capacities of the third parties.

Making use of experience of one or more third parties, with the references, or relying on a third party in terms of their educational and professional qualifications, is permitted only if these third parties are used upon the implementation of the present Contract and Bidder can indeed dispose of the knowledge and experience of the relevant third parties, actually making use of it upon the implementation of the assignment.

In the event of relying on the capacities of third parties, a separate 'European Single Procurement Document' must be provided for each of the third parties involved, with the information that is requested in the sections A and B of Part II and Part III. This form must be completed adequately and signed by the relevant third party. The lawful authorised/empowered third party representative can choose whether to sign by use of a qualified electronic signature or with an original handwritten signature (in case of the latter, the document must be scanned after signing).

Please note: In case of relying on one or more third parties, this/these party/parties must individually sign his/their 'European Single Procurement Document'. The submittal of a 'European Single Procurement Document' of a subcontractor without signature and subsequently (co-) signing by a subcontractor on the appendix 'Statement of approval', is thus not permitted.

For verification purposes, the documentary evidence Declaration of conduct for Bidders (GVA) and the Declaration payment behaviour compliance with fiscal obligations by the Tax authorities will be requested. For more information, go to 4.1.

Bidder is entirely liable for compliance with the obligations deriving from the Tender as also any implementation of the assignment. Bidder is also responsible for compliance with the obligations of the third parties/subcontractor(s) hired by him.

All completed and signed appendices 'European Single Procurement Document' must be added to the Tender.

7.15 One-off Tender

A natural person, legal person or corporation can submit a Tender only once, either individually, or in combination with other natural persons, legal persons or corporations, or as a subcontractor being relied upon by the Bidder to be able to comply with the set suitability requirements.

In this instance, for Bidders who are mutually connected by means of a relationship of control (concern-relation), it applies that they can participate in this tender procedure. Hereby, the explicit condition goes that they participate in this tender procedure as competitors. By means of a statement, it must be demonstrated that the mutual relationship has not influenced their Tender conduct, as part of this tender procedure and that fair competition was not impeded.

7.16 Communication and language

During the tender process, communication with Rijkswaterstaat, as well as the Tender itself shall take place in English language.

7.17 General conditions

Supply, payment and/or other general conditions –whatever the naming- by Bidder or his branch organisation, are explicitly not accepted. The General Government Terms for IT-agreements 2018 (ARBIT-2018) apply to this Contract.

7.18 Contract

The concept Contract and the accompanying General conditions were included in the appendices. During the Round of questions, Bidders have the opportunity to ask questions, make comments and put forward substantiated text proposals.

Rijkswaterstaat is free to, or not to, honour the text proposals presented. In the Q&A document, Rijkswaterstaat will indicate whether they have accepted or rejected the proposals made.

7.19 Explanation and verification of the Tender

Rijkswaterstaat can demand that Bidder further clarifies his Tender and/or provides it with substantiated documents. Rijkswaterstaat is entitled, but not obliged, to verify the correctness of all statements and declarations to be submitted on the basis of the Tender.

7.20 BIBOB (Public Administration Probity Screening Act)

During the tender procedure, Rijkswaterstaat could make use of the *Public Administration Probity Screening Act* (hereinafter: BIBOB Act). The BIBOB Act for instance intends to prevent the government unintentionally facilitating possible “criminal” activities, through tenders for governmental assignments. Rijkswaterstaat could ask the BIBOB agency for advice before a decision is taken in terms of the awarding.

The advice to be issued by the BIBOB agency, on the basis of the outcome of its investigation, will support Rijkswaterstaat in making its own substantive consideration whether or not to award the assignment to a Bidder.

7.21 Invalidation

If a Tender is invalid, Bidder will be notified of this as soon as possible. Should Bidder disagree with the decision to reject, then he can apply for a temporary provision from the competent civil law court at The Hague, within 20 calendar days after the date that this Announcement was sent. If, during the aforementioned term, a temporary provision was applied for, the requester will after all be included in the assessment (under conditions), subject to the Court taking a decision in favour of him.

The term mentioned concerns an expiry period.

7.22 Announcement of award decision

All (remaining) Bidders will simultaneously receive a motivated notification via TenderNed, of the Announcement of the award decision.

Standstill period

Every Bidder or stakeholder disagreeing with the award decision, is able to apply for a temporary provision from the competent civil law court at The Hague. Stakeholder should submit this application no later than 20 calendar days after electronic submittal of the award decision. This standstill period is also the expiry period. In case Bidder applies for a temporary provision, Bidder will be requested to send a copy of the summons to Rijkswaterstaat.

On the basis of article 2.129 of the Procurement Act, the award decision does not yet equal acceptance of the Bidder's offer. For the duration of 20 calendar days after electronic submittal of the award decision, Rijkswaterstaat is not permitted to definitively grant the assignment, by entering into the Contract.

If a temporary provision was applied for during these 20 calendar days, the interim court order will initially be awaited. The court decision forms the basis for further decision-making by Rijkswaterstaat. If a temporary provision was applied for, against the award decision, Rijkswaterstaat will inform the other Bidders of this.

Interest in decision

Another Bidder having interest in the interim court order, can only litigate by means of warranty or guarantee. Bidder cannot separately apply for a temporary provision or initiate other judicial proceedings.

Appendices

The following appendices are an integral part of this Descriptive document. These were published together with the Descriptive document.

Appendix A: European Single Procurement Document (ESPD)
Appendix B: Policy Separation of Interests
Appendix C: Statement of Approval
Appendix D: Format Reference Statement
Appendix E: Format Financial Offer
Appendix F: Concept Contract
Appendix G: ARBIT-2018
Appendix H: Demand Requirements Specification (DRS)
Appendix I: Process Requirements Specification (PRS)