

Memorandum of Information Tender Document 'Expert support on soil investigations (Lot 1), expert support on wind and water investigations (Lot 2)' reference 202112088

Date of publication April 15 2022.

In this Memorandum of Information, the department inviting tenders provides answers to the questions asked and remarks posted in the context of the above-mentioned Tender Document. This Memorandum of Information forms an integral part of the Tender Document.

Remarks:

1) This is Memorandum of Information, contains the questions 78-81 that were posed about this European Tender. The Memorandum containing the other questions was published on 12 April, 2022.

Question number	Question	Answer
22	In the Suitability Requirements it is stated that assignments including one or more subcontractors can only be used as reference assignments if the subcontractor(s) in question will be involved in the fulfilment of the Contract. We have a large body of experience as main contractor and independent integrator of expertise for similar assignments, where we supplement our own knowledge and expertise with subcontracted experts. By subcontracting expert roles we are in the position to gather a team of renowned experts in the field whilst maintaining our independence. It may not be possible, for various reasons (e.g. availability of resource, declined bid, competition or other), to engage the same subcontracted experts for each individual assignment. We are however fully capable, from our independent position, to mobilize equal or better subcontracted staff for the fulfilment of the assignment to supplement our own capabilities. In our view this should not give rise to the exclusion of previous assignments performed by us as main contractor. Therefore, Contractor requests the Contracting Authority to remove the requirement in the Suitability Requirements that assignments including one or more subcontractors can only be used as reference assignments if the subcontractor(s) in question will be involved in the fulfilment of the Contract.	Not agreed. The suitability requirement is maintained. If the tenderer offers a reference for which the tenderer uses a subcontractor, this subcontractor must be involved in the fulfilment of the Contract. In other words, if you intend to use subcontractors to meet the suitability criteria and rely on their capacity to fulfil part(s) of the Contract then the reference contracts of these subcontractors should be submitted. If Tenderer does not yet know which subcontractor will be used, Tendered must state all potential subcontractors, including the references. The Contracting Authority must be able to assess that the tenderer, together with subcontractors, is able to carry out the assignment. When working with subcontractors, also pay attention to the requirements for filling in the ESPD in section 7.3.17 of the Tender Document.

23	In the Suitability Requirements it is stated that assignments including one or more subcontractors can only be used as reference assignments if the subcontractor(s) in question will be involved in the fulfilment of the Contract. It might however be that a particular subcontractor is no longer available due to circumstances beyond Tenderer's control. Examples being: (1) retirement or ceasing of the business; (2) being out of business due to a take-over. Contractor requests the Contracting Authority an exemption for these cases where it is impossible to use the previously used subcontractor again and allow to use a suitable or better replacement in the bid if needed, whilst keeping the reference assignment for the purposes of demonstrating our experience and capability.	See answer to question 22.
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