



Tender Document

Invitation to tender in accordance with the European open procedure for the services of setting up and running the Area Monitoring System for the Netherlands.

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Definition of terms

AECM	Agri-environmental-climate-measure is a practice, going beyond the usual environmental requirements, which farmers can choose to apply and for which they receive a payment from the EU budget.
Area Monitoring System (AMS)	AMS is defined as the regular and systematic observation, tracking and assessment of agricultural activities and practices on agricultural areas by Copernicus Sentinel Satellite data or other data with at least equivalent value.
BISS	Basic Income Support and Sustainability is a flat-rate system of payment.
Classification result	Detection of a particular crop based on the crop classification algorithm.
Common Agricultural Policy (CAP)	The Common Agricultural Policy (CAP) is the agricultural policy of the European Union. It implements a system of agricultural subsidies and other programmes.
Contracting Authority	The State of the Netherlands, represented by the Minister of Economic Affairs and Climate Policy, on behalf of the NEA, who concludes the Contract with the Contractor on behalf of the Contracting Authority and the Participating Party.
Contractor	The party with whom the Contracting Authority concludes the Contract.
Contract	The written agreement between the Contracting Authority and the Contractor in which the conditions of the assignment are recorded.
Conditionalities	Rules (EU)consisting of SMR's (statutory management requirements): All farmers, whether receiving CAP support or not, have to respect these. SMR's include EU rules on public, animal and plant health; animal welfare; and the environment. Rules consisting of Good Agricultural and Environmental Conditions (GEACS's). Minimum GAECs requirements are nationally defined taking into account the specific characteristics of the areas concerned, including soil and climatic condition, existing farming systems, land use, crop rotation, farming practices and farm structures.
Data pipeline	A data pipeline is a series of data processing steps. If the data is not currently loaded into the data platform, then it is ingested at the beginning of the pipeline. Then there are a series of steps in which each step delivers an output that is the input to the next step. This continues until the pipeline is complete. In some cases, independent steps may be run in parallel.
Data Processing Agreement	An agreement signed by the Contracting Authority and the Contractor concerning the processing of personal data by the Contractor. When a Contract is awarded on the basis of the ARBIT, the Contract may require the Contractor to

	process Personal Data on behalf of the Contracting Authority. If so, the Parties must conclude a Data Processing Agreement under Article 28, Paragraph 3 of the General Data Protection Regulation ('the Regulation'). In a Data Processing Agreement the Contracting Authority and the Contractor make agreements on the Processing of Personal Data in the context of the Contract.
Direct Support	Direct payments are granted to farmers in the form of a basic income support based on the number of hectares farmed.
Eco-scheme	hectare payment for extra activities by farmers on their farm to improve soil and air quality, water quality, biodiversity, climate and landscape.
Event	Detection of an event (mowing, ploughing, harvesting, etc.) based on a marker result.
Exclusion Ground	A circumstance applicable to the Tenderer or a person affiliated with the Tenderer that results in exclusion of the Tenderer from participating in the tendering process.
Feature of Interest (FOI)	Management unit or field, it often coincides with the single unit of agricultural management (single crop field or particular land use, located on homogeneous agricultural land cover).
General Government Terms and Conditions	General Government Terms and Conditions for IT Contracts 2022 (ARBIT-2022: <i>Algemene Rijksvoorwaarden bij IT-overeenkomsten 2022</i>).
Ground Truth	Ground truth is information that is known to be real or true, provided by direct observation and measurement (i.e. empirical evidence) as opposed to information provided by inference.
Graphical User Interface (GUI)	A graphical user interface, is a form of user interface that allows users to interact with electronic devices through graphical icons and audio indicator such as primary notation, instead of text-based UIs, typed command labels or text navigation.
Geospatial Aid Application (GSAA)	Geospatial aid application is an online tool for submitting area-based claims for agricultural aid.
Homogeneity	All pixels in a field of the same crop at the same time should have a similar spatio-spectral response (with only small variations due to local soil or topographic differences, for example).
Integrated Administration and Control System (IACS)	European Union countries are responsible for the administration and control of payments to farmers in their country under a principle known as "shared management". The main building block of the management of the payments
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IUC-EZK	system is the integrated administration and control system (IACS). The Procurement Office (IUC) – part of the Netherlands Enterprise Agency (RVO.nl), which in turn is part of the Ministry of Economic Affairs and Climate Policy (EZK) – will serve as process manager during this tendering process.
ISO 9001	ISO 9001 is a globally recognised standard with requirements in the field of quality management and therefore a benchmark for transparency and reliability in the market. Quality management is reflected in all parts of the process in your organisation that produces your product or service.
ISO 27001	ISO 27001 is a globally recognised information security standard. The standard describes how you can process information security, with the aim of ensuring the confidentiality, availability and integrity of information within your organisation.
ISO 27002	The NEN-ISO/IEC 27002 standard is a best practice of security measures ('controls') to address information security risks with regard to confidentiality, integrity and availability of the information provision. The standard can be seen as a further specification of NEN-ISO/IEC 27001.
Marker	A marker is a characteristic change of the satellite signal over time that can be linked to a land cover event (such as fast vegetation growth or appearance of dry vegetation).
Memorandum of Information	A document containing all questions asked and answers given, in anonymised form and, if applicable, additional information. This includes the questions and answers submitted via TenderNed.
Minimum activity	Minimum level of activities the farmer needs to carry out in order to receive the BISS. In the Netherlands, this means that arable land needs to be used to cultivate certain types of crops. And with regard to grassland, the land should either be mown or used for grazing. The final deadline for activity on grassland is 1 October of each year.
Most Economically Advantageous Tender	The Tender that achieves the highest definitive total score based on the best price-quality ratio.
Netherlands Enterprise Agency (NEA)	NEA stands for Netherlands Enterprise Agency. NEA is the Dutch paying agency also known as RVO (Rijksdienst voor Ondernemend Nederland).
PDCA	PDCA is an abbreviation that stands for the 4 steps of the PDCA cycle: Plan, Do, Check and Act. These steps are used as a tool to improve processes and increase their quality. The addition of the word "cycle" means that the work is never finished and that there is continuous striving for further improvement.

Paying agency	A paying agency is the dedicated department or body of an EU country responsible for the management and control of expenditure from the two funds of the Common Agricultural Policy (CAP) – the European agricultural guarantee fund (EAGF) and the European agricultural fund for rural development (EAFRD).
Pixel	The smallest unit of an image that can be displayed on a digital device.
Public Procurement Act Signal	The Public Procurement Act 2012 (Aanbestedingswet 2012) The signal is usually a value of a function. For example an index, derived quantity or a statistical variable.
Suitability requirements	The requirements with which Tenderers must comply in order to be eligible to win the tender.
Tenderer	An entrepreneur or entrepreneurs who have submitted a Tender or is/are planning to submit a Tender. In this document, the word “you” is taken to mean the Tenderer.
Tender	A quotation submitted by the Tenderer in response to this Tender Document.
Uniform Single Procurement Document	A statement in which the Tenderer declares his compliance with the requirements specified in this document.

1. Introduction

The present Tender Document at hand contains information regarding this invitation to tender conducted in accordance with the European open procedure for the contract for setting up and running the Area Monitoring System (AMS) for the Netherlands.

You are hereby invited to submit a Tender based on this Tender Document.

1.1 Tendering Authority and IUC-EZK

This tendering process is being conducted on the instructions of the Netherlands Enterprise Agency (NEA).

IUC-EZK will act as process manager during this tendering process.

The Ministry of Economic Affairs and Climate Policy (EZK) consists of two parts: the core ministry and a number of executive services and agencies.

The core ministry is subdivided into central policy directorates and staff directorates (for further information and an organisational chart, see:

<http://www.rijksoverheid.nl/ministeries/ez/organisatie>).

Another important part of EZK are the executive services. These services are responsible for implementing the policy and monitoring compliance with regulations.

The Netherlands Enterprise Agency (NEA) is an executive service of the Ministry of Economic Affairs and Climate Policy. NEA is responsible for the implementation of policy for enterprising Netherlands in the field of innovation, sustainability, agriculture and international cooperation. In this way, NEA contributes to an economically stronger Netherlands and a sustainable society. Within NEA, the EU Core Processes Directorate (KPEU) is recognised as a European Paying Agency. This means that it is authorised to implement European schemes and to pay related European subsidies.

With effect from 2023, all European paying agencies have to monitor the area-based schemes funded by the Common Agricultural Policy (CAP) budget every year. This includes crop classification, detection of mowing events and other agricultural activities. This particular task requires the storage and processing of huge amounts of data. NEA is looking for a technical partner to help set up an AMS cloud environment as well as running and creating markers to monitor agricultural activities.

You are invited to submit a tender on the basis of the specifications in this Tender Document and the attachments mentioned herein.

Unless explicitly mentioned in this Tender document, all activities during this tender will be handled through TenderNed, which is the online market area for Tenders in the Netherlands.

1.2 Time schedule

The schedule below applies to this tendering process.

14 December 2022	Issuing of publication, start of tendering period.
21 December 2022, 11.00 AM – 12.00 PM	Information meeting, via MS Teams
9 January 2023, 13.00 CET	Closure of round of questions: deadline for the Tenderer to submit questions regarding this Tender Document, the Data Processing Agreement and the Contract (including the

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	general terms and conditions) and/or proposals for textual amendments to the draft Contract (including the general terms and conditions).
18 January 2023	Issuing of Memorandum of Information
1 February 2023 12.00 CET	Deadline for receipt of Tenders and opening of new Tenders by the Tendering Authority.
2 February 2023 up to and including 10 February 2023	Assessment of Tenders.
13 February 2023	Informing top 3 tenderers about Test of Competence
15 February 2023 up to and including 21 February 2023	Test of Competence of top 3 tenderers.
22 February 2023 up to and including 24 February 2023	Assessment of Test of Competence.
13 March 2023	Announcement of the award of the Contract.
3 April 2023	Deadline for asking questions and/or filing an application for a preliminary injunction in relation to the announcement of the award of the Contract.
24 March 2023	Deadline for the winning Tenderer to provide the evidence requested by the Tendering Authority.
7 April 2023	Starting date of Contract.

If – in the opinion of the Tendering Authority – circumstances provide cause to do so, the Tendering Authority is entitled to amend the specified period(s). In such a case, timely notification of the new period(s) will be provided digitally.

2. Description of assignment

2.1 Reason for the assignment

The new Common Agricultural Policy (CAP2023), which comes into force in January 2023, requires all EU Member States to integrate satellite monitoring into their Integrated Administration and Control System (IACS). NEA needs a partner for the execution of AMS for the Basic Income Support and Sustainability (BISS) in 2023 and onwards, and the further development of the AMS system for all-area based interventions which can be monitored. These interventions consist of the ECO-scheme, the AECM and the conditionalities; see for clarification in 'Definitions of terms'.

2.2 Description and objective(s) of the assignment

The AMS signifies a paradigm shift in agricultural control as it becomes mandatory to apply a land-covering AMS using at least satellite data. The AMS is a procedure for systematic data gathering and analysis of agricultural activities and practices on agricultural parcels. The results are used to assess whether the eligibility criteria for one or more EU interventions have been met or not by the beneficiary. Furthermore, a key element of the AMS is that the beneficiary must be able to respond to the monitoring results. This also means that the results will be presented by NEA to the beneficiary.

The main incentive of the AMS is the reduction of the control burden for the Member States and the use of warning alerts for the beneficiary in order to minimise any non-compliance in their applied schemes.

In 2023, the AMS is required to operate for the reporting of the results from the Basic Income Support and Sustainability (BISS). In 2024, the AMS must be fully functional for all area-based interventions which can be monitored as you can find in Annex 1. These include the ECO-scheme, the AECM and the Conditionalities. In 2025, the European Commission (EC) expects that additional data (such as geotagged photos, GPS tracks, etc.) shall supplement satellite data and ensure that the impact targets for all area-based interventions are met. The role of the AMS is to provide data for assessing compliance with eligible area-related activities. Based on these data, combined with the traffic light model performed by NEA, farmers can be triggered to adjust their application or carry out additional activities in the field in order to still meet eligible conditions. The results from the AMS together with the traffic light model performed by NEA also form a basis for the payment of the support to farmers.

It is important to note that in the context of the AMS we are mainly looking for a supplier to support us with the technical aspects of monitoring and the delivery of monitoring results (e.g. markers, signals and the processing of images). The activities can be grouped into five categories:

1. Hosting: Environment for running algorithms and having all data available;
2. Production: Activities related to regular AMS production;
3. Development: Activities related to development of new markers and functionalities;
4. Data: Activities related to buying and processing (commercial) satellite data;
5. Archive: Activities related to archiving of production data according to the requirements set by the European Commission.

The impact on the subsidy application and the communication with the beneficiaries will fall under the responsibility of NEA and is not part of the scope of this tender. This also includes generating traffic lights, which is also outside the scope of this tender.

A full, detailed description of the assignment and all required activities can be found in Annex 1.

2.3 Lots

The invitation to tender has not been divided into lots, because there would be high risks in the execution of the European subsidies concerning the CAP by NEA if multiple parties shared parts of this assignment. There could be errors in transferring the data and the time schedules could be longer, which would endanger the correct and timely payment of the subsidies to farmers that are entitled to the subsidies. That is why it is important for NEA to have one contractor and one point of contact handling the services. Furthermore, adding more parties to the execution of this contract makes mitigating the risks concerning the strict rules for the protection of personal data and other data more challenging.

2.4 Contract Period

The Contracting Authority intends to conclude a Contract for a period of 2 years and 9 months, including an unilateral option for the Contracting Authority to extend the contract two (2) times by one (1) year. If the Contracting Authority wishes to exercise this right, it will give written notice of this to the Other Party no later than six (6) months before the end of the contract. This means that the contract will run up to and including 31 December 2027 at the latest.

The intended start date of the contract is 7 April 2023, at which the implementation period will start. From 1 June 2023 the minimum services must be fully functional. The minimum services required can be found in Annex 2 (minimum services).

The contracting authority has opted for a longer contract period than the usual four (4) years because of the investments and development costs required in the first year of the contract.

2.5 Scope of the assignment

The Tendering Authority has estimated a total contract value (including optional extension years and excluding indexation) of €6,820,000 (exclusive of VAT).

The estimated value is an indication from which no rights can be derived. This Tender Document was created using up-to-date knowledge and insights valid at the time of its formulation.

It is possible that the services specified in the contract may change in the event of political, budgetary, administrative or organisational developments within the Dutch government and the Contracting Authority's resulting expansion or contraction, or changes to the Contracting Authority's position within the government or to the targets that must be met. In the event that such circumstances occur, the Contracting Authority will consult with the Contractor.

3. Requirements to this assignment

The requirements set by the Tendering Authority concerning the requested services and prices and rates can be found in Annex 1 to this tender.

By submitting a Tender, you, as Tenderer, explicitly consent to all requirements and conditions specified in Annex 1 to the tender document and declare that you will continue to comply with these throughout the entirety of the contract period. Furthermore, you confirm that you will comply with all of the specified prices and rates, including any agreed indexation. Failure to comply with one or more requirements will result in your Tender being disqualified from the assessment process and therefore excluded from the tendering process.

4. Requirements concerning the Tenderer

4.1 Introduction

In this section, you can find the requirements set by the Tendering Authority to determine whether particular Tenderers are suitable to be awarded the Contract. For this purpose, Exclusion Grounds and Suitability Requirements have been set.

You can indicate whether or not the Exclusion Grounds apply to you and whether or not you are in compliance with the Suitability Requirements by completing the "European Single Procurement Document".

The "European Single Procurement Document" is a PDF file that has been partially filled in for you. You must fill in the rest of the form, print it, legally sign it, scan it and submit it together with your Tender via TenderNed (see paragraph 7.3.15).

4.2 Exclusion Grounds

The following Exclusion Grounds are specified in the Annex 3 "European Single Procurement Document":

- all Exclusion Grounds specified in Part III A and B;
- the Exclusion Grounds in Part III C of the "European Single Procurement Document" that have been selected by the Tendering Authority by means of the tick boxes.

See Section 7 for information on how to submit a Tender in collaboration with other organisations. This section specifies who must provide a completed and signed European Single Procurement Document during the process of submitting a Tender.

The evidence relating to the Exclusion Grounds does not have to be submitted together with the Tender: it is only required once the Tendering Authority requests it.

Please note: The process of applying for a GVA (certificate of conduct) can take several weeks.

For information on types of evidence, see Section 2.89 of the Public Procurement Act.
<http://wetten.overheid.nl/BWBR0032203/2016-07-01>

The evidence consists of:

1. Extract of Trade Register (no older than 6 months, see §4.4)
2. "Certificate of Conduct for procurement" ("Gedragsverklaring Aanbesteden", no older than 2 years)
3. Tax statement (no older than 6 months)

The Tendering Authority, to which a Tenderer submits data in order to prove that the exclusion grounds referred to in Article 2.86 or Article 2.87 do not apply to the Tenderer, also accepts data and documents from another Member State, from the country of origin of the Tenderer or from the country where the Tenderer is established, that serve an equivalent purpose or show that the exclusion ground does not apply to the Tenderer.

Please refer to <https://ec.europa.eu/tools/ecertis/search>
eCertis is the information system that helps you identify different certificates requested in procurement procedures across the EU.

4.3 Suitability Requirements

The purpose of the Suitability Requirements is to assess whether the Tenderer is suitable to fulfil the Contract in the opinion of the Tendering Authority.

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By signing the Annex 3 "European Single Procurement Document" (which uses the term "Selection Criteria" to refer to the Suitability Requirements), the Tenderer declares that he complies with the Suitability Requirements as specified in this subsection of the Tender document. These Suitability Requirements are further specified in the subsequent paragraphs in this section.

If you are submitting your tender in collaboration with another organisation, please see Section 7 for more information.

4.3.1 Financial and economic standing

By signing the "European Single Procurement Document", the Tenderer declares:

- a. That he possesses sufficient financial and economic capacity to fulfil the contractual obligations.
- b. That the Tenderer is unaware of any possible claims against him that may compromise his organisation's financial-economic capacity or continuity, and that no investment is required during the Contract period that may have a similar compromising effect.
- c. That the most recently issued auditor's report (or, if applicable, a review report or compilation report) does not include a "continuity section" that expresses doubt concerning the viability of the organisation.
- d. That the Tenderer has a sufficient level of professional and/or statutory liability insurance for the fulfilment of the assignment and that, in the event of the Contract being awarded to him, he will remain sufficiently insured throughout the duration of the assignment(s).

Evidence (do not submit together with the Tender – only submit it when requested to do so):

Proof of the economic operator's economic and financial standing may, as a general rule, be furnished by one or more of the following references:

- a. appropriate statements from banks or, where appropriate, evidence of relevant professional risk indemnity insurance;
- b. the presentation of financial statements or extracts from the financial statements, where publication of financial statements is required under the law of the country in which the economic operator is established;
- c. a statement of the undertaking's overall turnover and, where appropriate, of turnover in the area covered by the contract for a maximum of the last three financial years available, depending on the date on which the undertaking was set up or the economic operator started trading, as far as the information on these turnovers is available.

If the data of the Tenderer's parent/holding company is used in relation to the aspect of financial-economic capacity, then the Tenderer must provide a statement from the parent/holding company that specifies that the parent/holding company unconditionally acts as a guarantor for the obligations to be undertaken by the subsidiary company and any debts arising from the Contract incurred by the subsidiary company. The statement by the parent/holding company must be signed by a legally authorised representative.

4.3.2 Reference data (technical qualifications)

The Tendering Authority has set the following core competences, which demonstrate experience with essential aspects of the assignment:

- The tenderer has experience in the development of software solutions for governmental institutions. These can be either paying agencies of the current European member states, or other institutions for which deliveries are often time-critical and for which work often has to be carried out under high time pressure.
- The tenderer has experience in developing algorithms for agricultural activity markers using remote sensing/earth observation.

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- The tenderer must have experience in setting up and hosting a cloud environment in which the work processes can be carried out, in which the (raw) data can be stored and from which the results can be transferred to NEA.
- The tenderer must have experience in applying artificial intelligence to earth observation data in order to obtain information about the land use/activities on a parcel of land.
- The tenderer must have experience in developing, maintaining and supporting applications as Software as a Service (SaaS).

By signing the "European Single Procurement Document", the Tenderer declares that he has carried out at least one reference assignment, for each of the core competences listed above, that meets the following minimum requirements:

- The subject of the reference assignment must be comparable to the core competence in question.
- The reference assignment must have been executed or completed within the three years prior to the closing date for the submission of tenders. If the Tenderer uses an assignment that is not yet fully complete, then only the completed results of the ongoing assignment can be submitted for reference purposes: projected results cannot be taken into consideration.

The total of the reference assignment(s) must have a minimum value of:

1. Cumulation of reference assignments together €200,000, excluding VAT, **and**
2. €50,000, excluding VAT per reference assignment.

This reference-assignment(s) value must exclusively consist of the value of the aspects of the assignment that are equivalent to the service specified in this document. In case a series of separate yet significantly comparable assignments was carried out for the same client during the reference period, then the turnover of these separate assignments can be combined into a cumulative total.

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 and if the Tenderer can and will make use of the knowledge and experience of the subcontractor(s) in question during the fulfilment of the assignment.

Evidence (please submit together with the Tender using Annex 4):

You may not provide more than one reference for each core competence. If a single reference testifies to multiple competences that comply with the applicable requirements, then you can use the same reference for these different core competences.

The reference(s) must be signed by the referee (the client in question).

The references must also demonstrate that they have a value of at least €200,000, excluding VAT combined **and** €50,000, excluding VAT per reference assignment.

If required, the Tendering Authority reserves the right to check the accuracy and completeness of the references and to contact one or more of the reference parties without the Tenderer's involvement or permission.

4.3.3 Quality assurance (technical qualifications)

By signing the "European Single Procurement Document", the Tenderer declares:

- That he has a valid, certified quality management system where the certificate has been drawn up by a certification body that is recognised within the national or international accreditation structure, such as ISO 9001

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or,

- That he has a quality-assurance system that is at least equivalent to a certified quality-assurance system. By “equivalent”, we mean the following:
 - Quality assurance is embedded in the entire organisation (by means of policy), adopted by the responsible department and executed by this department (e.g. by means of a quality handbook). This department also bears responsibility for the correct design, execution and management of this quality policy.
 - Presence and company-wide implementation of relevant procedures relating to service provision/end-products and management of resources and documents, within which continual improvement is an important point of attention.
 - Operation of an internal quality cycle, including the measurement, analysis and improvement of quality levels.
 - Performance of a periodic, independent audit by an expert concerning compliance with the quality procedures.
 - Customer-oriented processes: a system is in place to ensure (from the customer’s perspective) that there is a clear picture of the customer’s needs and that these needs are implemented in your business processes.
 - PDCA cycle with the objective of continuous improvement.

In the event that your Tender involves a collaboration between organisations, see Section 7: “Tenders involving collaborations with other organisations”.

Evidence (do not submit together with the Tender – only submit when requested by the Tendering Authority).

Compliance with these quality-control requirements can be demonstrated by means of: A description (max. two (2) A4 sides, either single- or double-sided) of the quality-assurance system in place at your organisation, which demonstrates that this system is at least equivalent to a certified quality-assurance system. The subsection “Quality Assurance” explains what is meant by the term “equivalent”. Your description must address all the points specified in this subsection and demonstrate the system’s equivalence or more.

Or:

Provision of the latest audit report or a copy of a certificate or certificates for the quality-assurance system that was/were drawn up by a certification institution recognised within the national or international accreditation structure, such as the ISO 9001.

In the event that your Tender involves a collaboration (consortium), then every member of this collaboration must, for their part, provide the quality-assurance evidence requested for the purposes of the Tender.

4.3.4 Information security (technical qualifications)

By signing the Uniform European Tender Document, the tenderer declares

- that he has a valid certified Information Security Management System, with the certificate having been drawn up by an accredited certification body, in accordance with the International Standards Organization 27001 (or subsequent regulations): Information Security Management Systems – Requirements (ISO)

or:

- that he has an information security system that is demonstrably equivalent and based on the criteria established in the relevant financial year version of one of the following standards:

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- ISO 27002;
- With, at the very least, measures having been taken on a risk basis for the following management objectives:
- Quality management system: Information Security Management System;
- Resolving incidents;
 - File traffic: exchange of data;
 - Authorisation management;
 - Logging;
 - Continuity management;
 - Backup/Retention/Archiving of data;
 - Exit strategy;
 - Intellectual property;
 - Reporting.

Evidence (do not submit together with the Tender – only submit when requested by the Tendering Authority).

Compliance with these information security requirements can be demonstrated by means of:

Provision of the latest audit report or a copy of a certificate or certificates for the information security system that was/were drawn up by a certification institution recognised within the national or international accreditation structure, such as the ISO 27001. This audit report or certificate must be of recent date.

Or:

A description (max. two (2) A4 sides, either single- or double-sided) of the information security system in place at your organisation, which demonstrates that this system is at least equivalent to a certified information security system. The subsection "Information Security" explains what is meant by the term "equivalent". Your description must address all the points specified in this subsection and demonstrate the system's equivalence or more.

4.4 Professional/trade register extract

The Tendering Authority expects the Tenderer to be authorised to practise his trade. For this reason, the Tendering Authority reserves the right to ask the Tenderer to demonstrate that he is registered in the professional register or in the trade register referred to in Annex XI of EU Directive 2014/24/EU in accordance with the regulations applicable in the country in which he is established.

It is also vital that the signed documents included in the Tender have been signed by a legally authorised representative of the Tenderer. For this reason, the Tendering Authority can also ask the Tenderer who is awarded the contract to demonstrate the legal validity of the signature.

Evidence (do not submit together with the Tender – only submit when requested by the Tendering Authority).

In order to establish the legal validity of the signed statements, declarations and other evidence, it is vital that a recent and up-to-date (**max. six-months old**, counted from the time of submission of the Tender) extract from the professional register or trade register is provided in compliance with the provisions stipulated in Section 2.98 of the Public Procurement Act. The extract must demonstrate the legal authorisation of the signatory.

If the signatory of the statements, declarations and other evidence is not featured on the extract, then authorisation of the signatory must be provided by one of the parties featured on the extract, in the form of a statement declaring that the signatory was authorised to legally bind the Tenderer at the time that he signed the documents.

In the event that the Tender involves a collaboration (consortium), then every member of this collaboration must provide the aforementioned evidence separately.

5. Award criteria and assessment

5.1 Introduction

This Section concerns the award criteria. The Tenders are assessed on the basis of the award criteria. Your response to the award criteria must be included in your Tender. In your response, you must take into account the requirements set in Annex 1.

A maximum of **1,300** points can be obtained for your response to the award criteria (including the Test of Competence which has a value of 300 points).

5.2 Quality criteria

All answers to the quality criteria must be entered in Annex 5 for each criterion and attached to your proposal. For the quality criteria the following requirements apply:

- For each answer to a criterion there is a maximum number of pages (A4) (including tables, but excluding images/diagrams). If your answer is longer than the maximum number allowed, the pages above the maximum number will not be taken into account in the evaluation.
- Font style: Verdana, font size: 9, line spacing 1.15

The minimum score for the quality criteria is 60% of the maximum score for quality

If you have less than 60% (good) of the maximum possible score for the quality criteria (section 5.2.1 up to and including 5.2.6), then your offer will be set aside and will not be further assessed. You will no longer take part in the Tender procedure. This means that you have to gain a minimum of 60% of 700 points = 420 points for the quality criteria to be taken into account for the award of the tender.

Furthermore, if you gain 40% (fair) or less for one or more quality criteria (section 5.2.1 up to and including 5.2.6), then your Tender will also be set aside and not further assessed. You will no longer take part in the Tender procedure.

5.2.1 Award criteria relating to "Quality and Technical Merit of the methodological approach proposed"

Max. no. of points available	Assessment aspects
200 points	In evaluating marks under this criterion, account will be taken of the proposed manner in which the service will be performed. The following components should be described, max. ten (10) pages A4, excluding diagrams: • Quality of Proposed Service as described in the Project Plan. • Design, development and maintenance of suitable and scalable IT infrastructures for big data processing, particularly in relation to Earth Observation data. • Design, development and maintenance of database solutions for the storage and retrieval of Earth Observation and related data. • Understanding of multi-spectral and radar satellite technologies and their application to the identification of agricultural activities, land cover/land use patterns. • Creation of large volumes of Sentinel (and other related satellites) "CAP Analysis Ready Data" (CARD) and the extraction of suitable statistics from this data for both object- and pixel-based analysis approaches.

	- Automation of complex earth observation tasks and the creation of testable, repeatable and functional algorithms for earth observation data analysis. - Provision of front-end services which provide authorised users with the ability to access, retrieve, analyse and view data. - Creation, validation and quality control of complex earth observation inputs, outputs and algorithms. - Understanding of the Dutch agricultural landscape and the types of markers and approaches which may be required for an operational and functional AMS in the Dutch context. <u>Evaluation</u> In evaluating marks under this criterion, the quality and technical merit of the project plan will be taken into account, including the approach and methodologies that will be employed for each part of the required service to ensure delivery of the required outputs. Furthermore, the understanding of the requirements as stated in Annex 1 will be evaluated.
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5.2.2 Award criteria relating to “Marker quality improvement”

Max. no. of points available	Assessment aspects
125 points	The tenderer is asked to formulate in the proposal two generic suggestions on how to improve the quality of each of the following markers: crop classification, mowing, ploughing, homogeneity of grassland, harvest events and catch crops (for more details see also Annex 1). For example, better quality of the training data, the population size of the training data or a specific type of imagery which will yield better results. The suggestions given should be referenced (scientific article) or based on personal experience in similar projects. Tenderers should outline in less than two (2) pages (A4), two (2) key suggestions for each marker that they believe will have a beneficial effect on the quality of Area Monitoring results, but also how this will work during the production phase. This means that a maximum of twelve (12) pages (A4) may be used for this criterium. <u>Evaluation</u> The suggestions will be evaluated in terms of feasibility, relevance, creativity and cost-effectiveness.

5.2.3 Award criteria relating to “Value-added features offered”

Max. no. of points available	Assessment aspects
75 points	Tenderers are asked to demonstrate that they can provide complementary non-chargeable Value-Added Features as part of their tender. Tenderers are required to provide their proposal (max. two (2) pages A4) to demonstrate the Value-Added Features that will be available to the Contracting Authority during the Contract Term and how this relates to the contract.

	<u>Evaluation</u> The proposal will be evaluated on the following aspects: • <u>Specialist advice</u> The methodology that will be employed to ensure that specialist advice provided to the Contracting Authority by the Tenderer is consistent with best practice and industry standards over and above the scope of the requirements of this tender. • <u>External project engagement</u> Tenderers must demonstrate where they have participated in projects researching opportunities in relation to Sentinel Satellite data and how that will benefit the Contracting Authority.
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5.2.4 Award criteria relating to “The Innovation case”

Max. no. of points available	Assessment aspects
125 points	Permanent grassland in the Netherlands can be separated into three main groups: intensively used grassland, extensively used grassland and natural grassland. Grassland which is left unattended or is considered natural grassland has particular characteristics which set it aside from grassland which is used for pasture or mowing. One of the characteristics is the emergence of shrubs and rushes. Also, permanent crops such as fields with fruit trees or other trees can be left unattended for several years. One of the characteristics is the emergence of shrubs, young (wild) trees that are not in rows and tall grass. Tenderers are required to provide a plan of action describing how they would approach creating a marker to detect roughness/neglect. It is up to the tenderer to develop and/or choose a method to calculate the roughness or neglect. There are several data sources which can be used as input, ranging from high-resolution satellite data to aerial photography and nationwide LiDAR data. One of the things to consider is that a multi-annual approach will probably be necessary to determine an increase in roughness/neglect. Another aspect to take into consideration is that NEA very much values working side by side with the contractor. This should also be reflected in the plan of action. The description must contain more than the specified parts and show the tenderer's initiative and expertise. <u>Evaluation</u> NEA will assess the plan of action (max. ten (10) pages A4 of text) on the following criteria: • The extent to which the tenderer understands the NEA process, anticipates this and contributes ideas. • Innovation; • Feasibility of the suggested approach; • Cooperation approach.

5.2.5 Award criteria relating to “Technical insight”

Max. no. of points available	Assessment aspects
100 points	Tenderers must demonstrate that they have a clear idea of the technical design of the AMS Cloud Environment and the interaction with NEA’s technical infrastructure. <u>Evaluation</u> Tenderers are required to provide a business architecture and a (technical) solutions architecture which describe the infrastructure components, (open source) middleware and software that will be used to meet the requirements for the different interfaces and applications which will be part of the AMS Cloud Environment (max three (3), pages A4 of text). A mere reiteration of what is already stated in the tender documentation and annexes will not be taken into consideration. Points will be awarded for clear and complete diagrams and the clarity of the explanatory text accompanying the diagrams.

5.2.6 Award criteria relating to the “implementation plan”

Max. no. of points available	Assessment aspects
75 points	The tenderer is asked to formulate an implementation plan to ensure that the minimum services (as described in Annex 2) are guaranteed to be up and running on 1 June 2023. <u>Evaluation</u> The implementation plan contains a maximum of three (3) A4 pages and will be evaluated in terms of feasibility, clarity and readiness.

5.3 Award criteria relating to prices/rates (exclusive of VAT)

Max. no. of points available	Assessment aspects
100 points	Annual costs, including: - Hosting production environment - Hosting test/acceptance environment - Hosting development environment - Data transfer - Data satellite collecting - Archiving
100 points	Fixed development costs, including: - Developing markers, see Annex 1 - Developing a data pipeline (e.g. collecting data (raster + polygons), processing data (cloud masking, orthorectification, geometry validation, etc.), stats collecting, marker producing, etc.) - Adjusting pipeline for the processing of Planet Fusion data

	- Developing a web interface for the different markers - Developing an analytics platform - Data satellite processing - Signal and indices processing
100 points	Variable costs development, including: - Hourly rate of junior developer/image analyst - Hourly rate of medior developer/image analyst - Hourly rate of senior developer/project manager
300	Total points

5.4 Assessment method for qualitative award criteria

During the assessment, the assessment team will work in accordance with the following scale for the weighting of the quality criteria.

Quality of the response	Weighting percentage of the maximum points available per preference
Excellent: The response significantly exceeded expectations and offers a great deal of added value.	100%
Very Good: The response exceeded expectations and offered some added value in places.	80%
Good: The response sufficiently met our expectations.	60%
Fair: The response did not completely meet our expectations and displays shortcomings with regard to certain aspects.	40%
Poor: The response does not meet expectations and clearly displays many shortcomings.	20%
No response was provided to the question or the question isn't answered in a manner fitting to the Tender.	0%

5.5 Assessment of preferences in relation to prices/rates

5.5.1 Assessment relating to price of fixed annual costs

The annual costs will be scored based on the weighted factor method; your total price for the annual costs as provided in Annex 6 will be converted into a score. For the calculation of this score we use a range from €2,420,000 (minimum price) excluding VAT to €2,820,000 (maximum price) excluding VAT. When drawing up your offer, you must take into account that your price must be within this range. If your offered price is higher than the maximum price, your offer will be set aside and will not be further assessed.

Below you may find the price range:

Lowest price for annual costs	€2,420,000
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Highest possible price for annual costs	€2,820,000
Price range	€400,000

The following formula is used: (((highest possible price €2,820,000) – (minus) your offered price) / (divided by) price range €400,000) x (times) maximum possible points (100)

The figure below contains a visual showing how the points can be divided:



5.5.2 Assessment relating to price of fixed development costs

The fixed development costs will be scored based on the weighted factor method; your total price for the fixed development costs as provided in Annex 6 will be converted into a score. For the calculation of this score we use a range from €1,400,000 (minimum price) excluding VAT to €1,700,000 (maximum price) excluding VAT. When drawing up your offer, you must take into account that your price must be within this range. If your offered price is higher than the maximum price, your offer will be set aside and will not be further assessed.

Below you may find the price range:

Lowest price for development costs	€1,400,000
Highest possible price for development costs	€1,700,000
Price range	€300,000

The following formula is used: (((highest possible price €1,700,000) – (minus) your offered price) / (divided by) price range €300,000) x (times) maximum possible points (100)

The figure below contains a visual showing how the points can be divided



5.5.3 Assessment relating to variable costs for development

The Tenderer will provide a maximum hourly rate (all-in and excluding VAT) for three function profiles. The rates are provided in Annex 6. For the hourly rates a range is used:

	minimum price rate	maximum price rate	Maximum points
Hourly rate for junior developer/image analyst <i>less than 3 years of experience</i>	€75	€95	20
Hourly rate for medior developer/image analyst <i>between 3 and 6 years of experience</i>	€85	€110	40
Hourly rate for senior developer/project manager <i>more than 6 years of experience</i>	€100	€130	40

When drawing up your offer, you must take into account that rates must be within these ranges. If your offered price is higher than the maximum price, your offer will be set aside and will not be further assessed.

The rates provided for the different components will be scored based on the weighted factor method; your rates as provided in Annex 6 will be converted into a score.

The following formula is used for every offered hourly rate:

$$\frac{((\text{highest possible price rate}) - (\text{minus}) \text{ your offered price rate})}{(\text{divided by}) \text{ range (EUR)}} \times (\text{times}) \text{ maximum possible points}$$

5.6 Award criteria relating to the Test of Competence

Upon completion of the written assessment process, the three tenderers who have gained the highest score based on the quality and price will be invited to perform a Test of Competence. More information about the Test of Competence can be found in Annex 7.

Max. no. of points available	Assessment aspects
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300	We expect and require that the majority of all markers requested in this tender are already developed and operational. Although we understand that tuning the markers to the specific conditions of Dutch agriculture will not be in the scope of this test of competence, we do expect you to be able to perform a dry run of these markers. We have selected five (5) markers for which we are expecting results. • Crop classification • Detection of mowing events • Detection of homogeneous grassland parcels • Detection of bare soil • Detection of the presence of a catch crop <u>Evaluation</u> The following criteria will be used to assess the test of competence: • Presence of all requested markers in the data delivery (50 points). • Correct understanding of the assignment (50 points): ▪ Correct calculation of the statistics. ▪ Is the methodology followed correct. Outcome of the statistics (200 points).
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5.7 Assessment method for the Test of Competence

The Test of Competence will be assessed in the following manner

Marker	Marker present	Correct calculation of statistics	Correct methodology	Statistics
Crop classification	Yes= 10 points No = 0 points	Correct = 5 points Incorrect = 0 points	Correct = 5 points Incorrect = 0 points	Overall accuracy ≤ 95%, 0 points Overall accuracy = 95%, 30 points Overall accuracy > 95%, 40 points
Detection of mowing events	Yes= 10 points No = 0 points	Correct = 5 points Incorrect = 0 points	Correct = 5 points Incorrect = 0 points	FN > 20%, 0 points FP < 20% : 0 points FN≤20%, 20 points, FP ≤20% : 20 points
Detection of homogeneous grassland parcels	Yes= 10 points No = 0 points	Correct = 5 points Incorrect = 0 points	Correct = 5 points Incorrect = 0 points	FN > 20%, 0 points FP < 20% : 0 points FN≤20%, 20 points, FP ≤20% : 20 points
Detection of bare soil	Yes= 10 points No = 0 points	Correct = 5 points Incorrect = 0 points	Correct = 5 points Incorrect = 0 points	FN > 20%, 0 points FP < 20% : 0 points FN≤20%, 20 points, FP ≤20% : 20 points
Detection of the presence of a catch crop	Yes= 10 points No = 0 points	Correct = 5 points Incorrect = 0 points	Correct = 5 points Incorrect = 0 points	FN > 20%, 0 points FP < 20% : 0 points FN≤20%, 20 points, FP ≤20% : 20 points

If the statistics are calculated incorrectly or the followed methodology is incorrect the statistic results will not be taken into account and you will gain 0 points for the statistics of that markers.

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6. Assessment of the Tender

6.1 Assessment of the Tender's completeness and legal validity

The Tender will be assessed according to the following procedure. The Tendering Authority will check whether:

1. all required documents have been provided (see the checklist in the subsection "Structure and content of the Tender" in Section 7);
2. the information is correct and complete, and no adjustments have been made to the documents provided by the Tendering Authority;
3. no provisions have been made by the Tenderer (e.g. specifying that the Tenderer's own terms and conditions apply);
4. the "European Single Procurement Document" has been completed in full and has been legally signed.

In the event that the aforementioned requirements have not been complied with, the Tender will be excluded from assessment and further participation in the tendering process, unless rectification is permitted within the boundaries of public procurement legislation.

6.2 Assessment of requirements relating to the assignment

Subsequently, the Tender's compliance with the requirements to the assignment (see Section 3 and Annex 1) will be assessed. Any Tender that does not comply with requirements as stated in Section 3 and Annex 1 will be excluded from further participation in the tendering process.

6.3 Assessment of award criteria relating to the written proposal

Subsequently, all Tenders not excluded from the tendering process will be assessed according to the award criteria stipulated in Section 5.2 up to and including Section 5.5.

6.4 Determination of total score for written proposal

After the assessment of the award criteria, a top 3 will be determined based on the principle of Most Economically Advantageous tenderers. The top 3 Most Economically Advantageous Tenderers are the tenderers that achieve the highest total scores based on the best price-quality ratio of the written tenders.

The Tenderer's total score will be rounded to one decimal place. No scores will be rounded off until this definitive total score has been determined. If two or more Tenderers have an equal definitive total score that would result in inviting more tenderers to submit a Test of Competence, the Tendering Authority will invite the tenderer with the highest final score for the subcriterion "Quality and Technical Merit of the methodological approach proposed". In the event that the highest-scoring Tenderers also achieve an equal score for this subcriterion, then the Tendering Authority will invite the Tenderer with the highest final score for the subcriterion "Innovation case". In the event that the highest-scoring tenderers also achieve an equal score for this subcriterion, then the Tenderer who will be invited to submit a Test of Competence will be determined by drawing lots.

6.5 Invitation to the Test of Competence

The three Tenderers that have the highest total score based on the best price-quality ratio of the written proposal will be invited to submit a Test of Competence. This invitation will be sent on 13 February 2023. More information about what the Test of Competence entails can be found in Annex 10. The Test of Competence must be submitted by e-mail to Sophie van Bochove, Sophie.vanbochove1@rvo.nl, with a CC to IUCEZteam2@rvo.nl. For the test of competence you may use a file transfer system, more information about how to correctly submit the test of competence will follow in the invitation.

6.6 Assessment of award criteria relating to the written proposal and the Test of Competence

After completion of the Test of Competence, the Test of Competence will be assessed on the basis of the requirements and the award criteria as set out in Sections 5.6 and 5.7.

6.7 Determination of total definitive score for full proposal and Test of Competence

After the assessment of the award criteria for the Test of Competence, the total score will be accumulated. The total definitive score consists of all assessment criteria, including the written proposal, the price and the Test of Competence. The winner will be determined based on the principle of the Most Economically Advantageous tender. The Most Economically Advantageous tender is the Tender that achieves the highest total score based on the best price-quality ratio of the written tender and Test of Competence.

The Tenderer's definitive total score will be rounded to one decimal place. No scores will be rounded off until this definitive total score has been determined. If two or more Tenderers have an equal definitive total score that would result in the Tendering Authority having to award the Contract to more parties than is desired, then the Tendering Authority will award the Contract to the Tenderer with the highest final score for the subcriterion "Test of Competence". In the event that the highest-scoring Tenderers also achieve an equal score for this subcriterion, then the Tendering Authority will invite the Tenderer with the highest final score for the subcriterion "Quality and Technical Merit of the methodological approach proposed". In the event that the highest-scoring Tenderers also achieve an equal score for this subcriterion, then the Tenderer to which the Contract will be awarded will be determined by drawing lots.

6.8 Assessment of evidence

At the time when the Tenderer legally signs the "European Single Procurement Document" and submits the Tender, the Tenderer is not (yet) required to provide any evidence, unless expressly asked to do so in this Tender document.

By signing the "European Single Procurement Document" and submitting his Tender, the Tenderer agrees that, at a later date, the Tendering Authority is entitled to request that the winning Tenderer provides the required evidence.

Upon awarding the Contract, the Tendering Authority will only request evidence from the winning Tenderer. The Tendering Authority is entitled to request this evidence at an earlier stage and from all Tenderers if it believes such a course of action is necessary to facilitate the progress of the tendering process.

The evidence must demonstrate that the Tenderer indeed complies with the content of both the "European Single Procurement Document" and the Tender. Following the Tendering Authority's request to provide the evidence, the Tenderer has 11 (eleven) calendar days to hand over the required evidence. If the Tendering Authority does not agree with the content and/or validity of one or more of the pieces of evidence provided by the winning Tenderer, then this could result in the winning Tenderer being excluded from further participation in the process. In such a case, the Tendering Authority will inform every Tenderer of this situation. The Tendering Authority will then determine the next Most Economically Advantageous Tender. The score of the Tenderer that has just been excluded will be removed. The award process will then be conducted again.

In the event that a winning Tenderer does not qualify for the definitive award of the Contract, then all Tenderers will be notified of this and of the consequences for the award of the contract.

7. Submission procedure for Tenders

7.1 Statement of agreement

By submitting a Tender, including the 'European Single Procurement Document', the Tenderer explicitly consents to all requirements and conditions stipulated in this Tender document and the Memorandum of Information and declares that he will continue to comply therewith throughout the entirety of the contract period. Furthermore, the Tenderer confirms that he will comply with all of the specified prices and rates, including any agreed indexation. Failing to comply with one or more requirements will result in his Tender being disqualified from the assessment process and therefore excluded from the tendering process.

7.2 Schedule

See schedule in Subsection 1.2.

7.3 General procedure

This tendering process will be carried out in compliance with the Public Procurement Act. In this case, the 'open procedure' was selected. An announcement thereof was published on www.tenderned.nl and on Tender European Daily (TED).

In the event that a Tender is not submitted in accordance with the provisions and regulations stipulated in this section, the Tendering Authority can set aside the Tender and exclude the Tenderer from further participation in this tender procedure.

7.3.1 Communication

All communication relating to this tender procedure will be conducted via TenderNed (www.tenderned.nl), unless otherwise specified.

Once you have indicated your interest in this invitation to tender on TenderNed, you can send and receive messages about this tender process via 'My Tenders'. Any questions concerning the tender process can be sent to the Tendering Authority's contact person via TenderNed.

You will receive messages via TenderNed. Via your personal TenderNed settings, you can turn on automatic notifications, including notifications to your private email address. It is your responsibility to ensure that these emails are not blocked by your email provider's security system. If the communication cannot be conducted via TenderNed, you can contact the following contact person(s): Sophie van Bochove, Sophie.vanbochove1@rvo.nl, with a cc to the Gea Strootman, gea.strootman@rvo.nl.

Attempts to directly contact parties other than the contact person(s) stated above in relation to this tender process are prohibited.

If you have any functional or technical questions regarding TenderNed, you can contact the TenderNed service desk on weekdays between 08:30 and 18:00 CET on 0800-8363376 or via servicedesk@tenderned.nl. You can also consult [TenderNed voor ondernemingen | TenderNed](#) or [TenderNed for foreign businesses | TenderNed](#).

7.3.2 eHerkenning

All TenderNed users affiliated with a *Dutch* company registered with the Dutch Chamber of Commerce are obliged to log in and register using eHerkenning.

This obligation does not apply to companies not registered in the Netherlands.

Visit [eHerkenning gebruiken voor TenderNed | TenderNed](#) for more information about eHerkenning, including the terms and conditions. You are responsible for any consequences arising from the failure to register with eHerkenning in a timely manner.

7.3.3 Questions and additional information/changes

During the procedure, you have the opportunity to ask questions. Ask your questions as soon as possible. All questions will be answered anonymously. The Tendering Authority can answer your questions via TenderNed in two ways:

- Via one or more Memoranda of Information.
- By means of the TenderNed 'Questions and Answers' facility.

The deadline for submission of your questions is specified in the schedule (see section 1.3). In any event, all questions asked will be answered at least 10 days prior to the deadline for submission of the Tender.

Submitting a question to the Tendering Authority

Questions are to be asked via TenderNed. See [Vragen stellen in aanbesteding aan aanbestedende dienst | TenderNed](#) or <https://www.tenderned.nl/cms/english>.

All questions and answers will be published anonymously for all interested parties to view. If you have a compelling reason why you do not wish your question (and its answer) to be revealed to the other interested parties, then tick the 'Answer Individually' box. However, the Tendering Authority will decide whether or not to process your question individually.

Answers from the Tendering Authority

The Memoranda of Information are an integral part of this Tender document. The Tendering Authority assumes that all sections for which no questions have been asked have been clearly and fully understood.

Information meeting

The Tendering Authority will organise an information meeting during which you will also have the opportunity to ask questions. All Tenderers will receive confirmation of the answers. These answers are an integral part of this Tender document.

The information meeting will take place at 21 December 2022, 11.00u AM, on MS Teams.

If you wish to attend the meeting, then we kindly request you to send an email to your contact person (Sophie.vanbochove1@rvo.nl) with a CC to annemirthe.lindeboom@rvo.nl no later than 20 December 2022, 17.00u to inform them who would like to receive the invite to represent your organisation at the meeting.

7.3.4 Validity period and submission of Tender

The Tender must be valid for at least four months after the deadline for submitting the tenders. In the event that an application for a preliminary injunction is filed with the competent court in The Hague against the award decision, then the Tenderers must in any event ensure that their Tenders are valid until four weeks subsequent to the initial decision by the court.

7.3.5 Variants on Tender

Upon submitting a Tender in accordance with the Tender document, the Tenderer is not permitted to submit a variant of this Tender.

7.3.6 Costs of submitting a Tender

The Tendering Authority will not reimburse any Tenderers for any costs resulting from the drafting and submitting of a Tender, including any further information requested of the Tenderer.

The three tenderers with the highest scores based on the price-quality ratio of the written tender, will be asked to submit a Test of Competence. The two tenderers who submit the Test of Competence, but don't win the tender can apply for a compensation. The maximum compensation is € 10,000 per tenderer.

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Any costs or damage that (may) arise as a result of not awarding this Tender are for the account and risk of the Tenderer.

7.3.7 Termination of tendering process

Until the moment that the Contract is signed, the Tendering Authority reserves the right to partially, fully, temporarily or permanently terminate the tendering process. In such cases, Tenderers will not be entitled to receive compensation for any costs incurred by them in connection with this Tender, unless the Contracting Authority is of the opinion that a (small) contribution to the tender costs is appropriate in view of the circumstances.

7.3.8 Order of precedence of documents

In the event of inconsistencies between the Tender document and the Memorandum of Information, the Memorandum of Information takes precedence.

In the event that there are multiple Memoranda of Information, then the provisions in the most recent Memorandum of Information takes precedence in the event of inconsistencies between the different Memoranda.

7.3.9 Information about the Tenderer's obligations

The Tenderer must take into account his obligations relating to environmental, social and employment law in compliance with article 2.81 paragraph 2 of the Public Procurement Act.

Information on obligations resulting from Dutch legal provisions with regard to taxes, environmental protection, occupational health and safety and terms of employment that will be applicable to the Tenderer's activities throughout the Contract period is available from the following sources:

Information on taxes: the Dutch Tax and Customs Administration: (www.belastingdienst.nl).

Provisions concerning environmental protection: the Ministry of Infrastructure and Water Management (www.rijksoverheid.nl).

Provisions pertaining to occupational health and safety and terms of employment: the Ministry of Social Affairs and Employment: (www.rijksoverheid.nl).

7.3.10 Guide Information security and Privacy for suppliers

Protecting information and personal data is the top priority for the Ministry of Economic Affairs and Climate Policy (EZK). That requires significant effort from our own employees, but also from our suppliers. You can read more about it in this concise guide.

[Suppliers guide Information Security and Privacy EZK](#)

7.3.11 Inconsistencies and objections

If the Tenderer is of the opinion that the documents contain inconsistencies, errors or matters that are unclear or if the Tenderer has any objections, then the Tenderer must report this to the contact person in writing, including substantiation.

7.3.12 Complaints procedure

If a Tenderer disputes a response given by the Tendering Authority to a question, request, comment or objection from the Tenderer, or if the Tenderer receives no response, then he can submit a complaint. More detailed information on this matter can be found in the 'Complaints Procedure' Annex 8.

7.3.13 Dispute resolution

In addition to the provisions in the 'Complaints Procedure' subsection, any dispute arising from this tendering process can be presented to the Public Procurement Experts Committee (www.commissievanaanbestedingsexperts.nl) and/or to the competent court in The Hague. Dutch law applies exclusively to such proceedings.

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7.3.14 Submission of the Tender

The deadline (date and time) for submission of Tenders is stipulated in the 'Time schedule' (1.3).

- In order to submit a Tender, you must register with TenderNed. One or more registered users must be connected and authorised to submit the Tender via TenderNed on behalf of your company.
The Tendering Authority advises that you start the TenderNed registration process immediately rather than postponing it until the tendering period is coming to a close. Upon registering your organisation, you must add your tender via TenderNed's announcements platform.
- For more information on registering and establishing your organisation with TenderNed and digital submission of your Tender, visit [TenderNed gebruiken als ondernemer | TenderNed](#) or [TenderNed for foreign businesses | TenderNed](#).
- Only Tenders that have been submitted to the digital safe for this invitation to tender either prior to or on the day of the deadline (prior to the time of the deadline) will be processed by the Tendering Authority.
- The time and date as displayed on the digital countdown clock in TenderNed serves as the definitive deadline for the submission of Tenders.
- The Tendering Authority is only able to see the Tenders once the digital safe opens in TenderNed. This safe can only be opened upon expiry of the deadline for the submission of Tenders.
- In the event you have technical issues or questions regarding submission of your Tender via TenderNed, you can contact the TenderNed service desk via servicedesk@tenderned.nl or +31 (0)70-3798899. If you believe that the TenderNed service desk is taking too long to answer your question or comment, then you can contact your contact person within the Tendering Authority.
- Any risks resulting from late submission of the Tender and/or submission of an incomplete Tender is borne by the Tenderer.
- The Tendering Authority is neither responsible nor liable for any consequences resulting from a Tender that is submitted too late, incorrectly or incompletely.

The Tendering Authority will treat confidential information provided by the Tenderer with due care.

7.3.15 Structure and content of the Tender

The Tender must be submitted entirely via TenderNed and the 'European Single Procurement Document' must be legally signed.

You can use the following checklist during the submission of your quotation.

Subject	Description	Action required from tenderer
Annex 3	European Single Procurement Document*	Fill in, legally sign and add to TenderNed
Annex 5 Award criteria	A separate response to each of the Tendering Authority's award criteria.	Add to TenderNed
Annex 6 'Prices/Rates'	Prices/rates included in the quotation	Add to TenderNed
Annex 4	Reference assignments	Add to TenderNed

* See Subsection 7.3.17 in the event your Tender is submitted in collaboration with other companies.

7.3.16 Legally binding signature

A legally binding signature means that a document has been signed by a duly authorised representative.

If it is recorded in the professional or company register that two or more persons only have joint powers of representation, then the documents requiring a legally binding signature must be signed by those two or more persons. If any restrictions are in place regarding the authorisation to represent the organisation, then these must be taken into account.

Where a legally binding signature is required, the Contracting Authority accepts either an original handwritten signature, or the qualified electronic signature within the meaning of article 3: 15a of the Civil Code (or EU Regulation no. 910/2014, article 3, part 12).

Please note: it is not possible to sign the European Single Procurement Document with a qualified electronic signature immediately. You can provide the ESPD with a handwritten signature or you must make a digital PDF printout of the PDF form, after which the qualified electronic signature can be placed on this digital PDF printout.

The lack of a legally binding signature in principle will lead to exclusion from the tendering procedure. In that case, however, you will be given one single opportunity to correct it within 48 hours.

7.3.17 Submission of a Tender in collaboration with other organisations

If you cannot carry out the assignment independently, you can set up a collaboration with other organisations.

There are two ways in which you can submit a Tender in collaboration:

- 1) As a consortium in which each member of the consortium is jointly and severally liable for the fulfilment of the obligations arising from the Tender as well as the fulfilment of the Contract.
- 2) In a principal contractor-subcontractor structure in which the Contractor is liable for the fulfilment of all obligations, including the obligations that will be subcontracted.

Tendering as a consortium

If a Tender is submitted by a consortium, then:

- Every member of the consortium must fill in and legally sign a separate 'European Single Procurement Document', which also includes a specification of who the consortium members are (see Part II of the 'European Single Procurement Document'). Indicate the role each member plays within the consortium. In the 'European Single Procurement Document', you must indicate who is in charge of the consortium (who is lead manager) and will act as its authorised representative.
- All organisations in the consortium accept joint and several liability for the fulfilment of the obligations arising from the Tender and the eventual fulfilment of the Contract. If a consortium member relies upon the capacity of another entity in order to demonstrate compliance with the applicable Suitability Requirements (see section 4 of this document), then the subcontractor(s) in question must also complete a separate 'European Single Procurement Document', filling in parts II A, II B, III and IV and legally sign it (see the information under II C in the ESPD).
- Every member of the consortium, for their part, must provide the evidence requested for the Tender.

Submitting a tender as a principal contractor together with subcontractors

If a Tender is submitted by a principal contractor that does not rely upon the capacity of any subcontractors, then only the principal contractor is required to complete and legally sign Part II D of the 'European Single Procurement Document'.

If the principal contractor does rely on the capacity of subcontractors in order to demonstrate compliance with the applicable Suitability Requirements, see section 4 of this document), then the subcontractor(s) in question must also complete a separate 'European Single Procurement Document', filling in parts II A, II B, III and IV and legally sign it (see the information under II C in the ESPD).

The subcontractor on whose capacity the principal contractor *does* rely must provide the evidence requested for the Tender.

The principal contractor is fully liable for the fulfilment of the obligations arising from the Tender as well as the fulfilment of the contract (if awarded). In addition, the principal contractor is liable for the fulfilment of the obligations for which he has hired the subcontractor(s).

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

7.3.18 Single Tender

All natural persons, legal entities and organisations may only submit a single Tender (either individually or in combination with other natural persons, legal entities and/or organisations). Tenderers who are mutually connected via a relationship of dependence (group link) are permitted to participate separately in this tendering procedure. However, this is on the express condition that they participate as competitors in this tendering process. For this purpose, they must demonstrate that their mutual relationship has not influenced their behaviour within the scope of this tendering procedure nor has it restricted fair competition.

By submitting a Tender, the Tenderer in question agrees to this condition.

7.3.19 Violation of the fundamental principles of procurement law and restriction of fair competition

Any Tenderer whose actions violate a fundamental principle of procurement law (such as the equality principle), the result of which restricts or could restrict fair competition, will be excluded from this tendering procedure. This is also the case if the violation or the restriction of fair competition only comes to light after the announcement of the award of the Contract to all Tenderers. Prior to making the decision to exclude the Tenderer in question, the Tendering Authority will notify the Tenderer of this intention, at which point the Tenderer will be given the opportunity to demonstrate to the Tendering Authority that no violation of a fundamental principle of procurement law or restriction of fair competition has taken place.

By submitting this Tender, the Tenderer declares his awareness that actions contravening any fundamental principle of procurement law can result in the aforementioned consequences. The Tendering Authority can use all resources available to him in order to identify any violation of the fundamental principles of procurement law or the restriction of fair competition. A judicial decision will not be a necessary requirement in such cases.

7.3.20 Communication and language

During the tendering process, communication with the Tendering Authority must be conducted in English.

The Tender must be submitted in English.

Additional documents (such as informational materials etc.) must also be provided in English.

During the fulfilment of the contract, communication must be conducted in Dutch or English.

7.3.21 General terms and conditions

The applicability of any of the Tenderer's general terms and conditions concerning delivery, payment and/or any other matters is explicitly excluded. The General Government Terms and Conditions apply to the Contract.

7.3.22 Contract conditions

The draft Contract, Data Processing Agreement and the corresponding General Government Terms and Conditions are included in the annexes. The Tenderers have the opportunity to ask questions, make comments and propose textual amendments.

The Tendering Authority is free to accept or reject the proposed textual amendments. The Tendering Authority will indicate whether or not the proposals have been accepted or rejected in the Memorandum of Information. By submitting the Tender, the Tenderer declares his consent to the (possibly amended) Contract(s). Only the definitive Contract(s) will apply during the execution of the assignment.

7.3.23 Explanation and verification of the Tender

The Tendering Authority can request that the Tenderer explains his Tender in greater detail and/or provide substantiating documents. The Tendering Authority is entitled – although not obliged – to check the accuracy of all data and statements submitted within the scope of the Tender.

7.3.24 Request for supplementary information concerning the Tender

The Tendering Authority can ask Tenderers to provide supplementary information and/or clarification of their Tender.

7.3.25 Announcement of the award of the Contract

All Tenderers will receive a message simultaneously that announces the award of the Contract and substantiates its decision. All Tenderers are entitled to request further information regarding this decision from the Tendering Authority.

Standstill period

All Tenderers and stakeholders who dispute the award of the Contract and/or the verbal/written substantiation thereof can apply for a preliminary injunction at the competent civil court in The Hague. The summons must be served within 20 calendar days subsequent to the sending of the digital notifications concerning the award of the Contract. Upon expiry of this period, no more applications for a preliminary injunction can be submitted. In the event a Tenderer applies for a preliminary injunction, we kindly request that you send a copy of the summons to the Tendering Authority.

On the grounds of Section 2.129 of the Public Procurement Act the award of the Contract does not yet mean the Tenderer's Tender has been accepted. For the 20 calendar days subsequent to the sending of the digital notification of the award of the Contract, the Tendering Authority is not permitted to definitively award the assignment by concluding the Contract.

If a preliminary injunction is applied for during these 20 calendar days, then a waiting period will be required pending a judgement in the preliminary injunction proceedings. The judgement will serve as the basis for further decision making by the Tendering Authority.

If preliminary injunction proceedings are brought against the award of the Contract, then the Tendering Authority will notify the Tenderer of this fact. The Tenderer must ensure that his Tender remains valid for at least four weeks subsequent to the judgement in the preliminary injunction proceedings.

Interest in relation to the judgement

Tenderers who have an interest in the judgement in these preliminary injunction proceedings can only engage in these proceedings by means of intervention or joinder. The Tenderer cannot initiate separate proceedings or other judicial proceedings.

7.4 Further Agreements within the Contract

7.4.1 Further assignments within the Contract concerning development

For the further development of different markers there is a specified maximum budget during the entire contract (€ 2,300,000 excluding VAT).

The services related to the development can be called upon on any moment during the contract by the Contracting Authority. The Contracting Authority will specify the assignment, the evaluation criteria, deliverables and gives a maximum price for which the assignment needs to be executed. The contractor will receive this request for assignment in a written manner (i.e. e-mail). The contractor will draw up an offer based on the hourly rates provided in Annex 6 of the Tender with a fixed price. The contracting authority confirms the assignment in a written manner (i.e. e-mail). The assignments will be executed in an agile way. This means we will work with sprints of up to 4 weeks maximum according to the Plan – do – check – act method with demo's and reviews. It is possible that an assignment is cancelled in the middle of the process, due to new insights. In case the assignment is cancelled only the costs actually incurred up until then can be invoiced.

If the maximum amount for further development of different markers has been reached, it is no longer possible to give out new assignments. The further assignments can only run up until 6 months after the end of the Contract.

Annexes

The following annexes constitute an integral part of this Tender document. These annexes were published together with the Tender document.

Annex 1: Requirements and specifications
Annex 2: Minimum services
Annex 3: European Single Procurement Document
Annex 4: Reference assignment(s)
Annex 8: Award criteria
Annex 6: Prices/Rates
Annex 7: Test of competence
Annex 8: Complaints Procedure
Annex 9: Draft Contract
Annex 9a: Draft Data processing Agreement
Annex 9b: Draft Service Level Agreement
Annex 10: ARBIT-2022