



Selection Instructions

**European tender for the
procurement of services of
'Knowledge component Reversing
the Flow (RtF)' in accordance with
the restricted procedure**

Publication date: 5 January 2023

Status: final version

Reference: 202203038

Contents

Contents.....	2
Definition of terms	4
1 Introduction	6
1.1 Tendering Authority and IUC-EZK	6
1.2 Reason for this invitation to tender	6
1.3 Time schedule	8
2 Description of the Contract.....	10
2.1 Description and purpose of the Contract	10
2.2 Lots.....	12
2.3 Contract period	12
2.4 Scope of the contract	12
3 Requirements to the Candidate.....	13
3.1 Introduction	13
3.2 Exclusion Grounds	13
3.3 Suitability Requirements.....	14
3.3.1 Financial and economic standing	14
4 Selection Criteria.....	15
4.1 Criteria applicable to the qualitative selection of Candidates	15
4.1.1 Qualitative selection criteria	15
4.1.2 Award method	16
5 Assessment of the Requests to Participate	17
5.1 Number of Candidates to be selected	17
5.2 Procedural rules and requirements	17
5.3 European Single Procurement Document	17
5.4 Selection Criteria applicable to the Candidates	18
5.5 Review of the evidence.....	18
6 Procedure for Request to Participate	19
6.1 Statement of Agreement	19
6.2 Schedule	19
6.3 General procedure.....	19
6.3.1 Communication.....	19
6.3.2 eHerkenning	19
6.3.3 Questions and additional information	19
6.3.4 Costs in connection with Requests to Participate	20
6.3.5 Cancellation of the tender	20
6.3.6 Priority of documents.....	20
6.3.7 Information regarding the obligations applicable to Candidates.....	20
6.3.8 Contradictions or objections	21
6.3.9 Complaints procedure	21
6.3.10 Dispute resolution	21
6.3.11 Submitting a Request to Participate	21
6.3.12 Form and content of the Request to Participate	22
6.3.13 Legally binding signature	22
6.3.14 Applications in collaboration with other companies	23
6.3.15 One single Request to Participate.....	24

6.3.16	Violation of a fundamental principle of procurement law, fair competition	
	24	
6.3.17	Communication and language.....	24
6.3.18	General terms and conditions	25
6.3.19	Further explanation and verification of the Request to Participate	25
6.3.20	Selection decision, evidence and final selection	25
Annexes		27

Definition of terms

Candidate	An economic operator who has submitted a Request to Participate or who intends to submit a Request to Participate.
Contract	The written framework agreement between the Contracting Authority and the Contractor, in which the conditions applicable to the public contracts that will be awarded via this tendering process (Further Agreements) will be recorded within a specific period.
Further Agreement	A written agreement, signed by the Contracting Authority and the Contractor based on the framework agreement.
Contracting Authority	The State of the Netherlands, represented by the Minister of Economic Affairs and Climate Policy, who will enter into a Contract with the Contractor.
Contractor	The party with whom the Contracting Authority has entered into the Contract.
European Single Procurement Document (ESPD)	A document containing the declaration by the Candidate that he complies with the requirements set in the ESPD by way of completing and signing the ESPD.
Ground for Exclusion	A Ground for Exclusion pertaining to circumstances in relation to the Candidate himself (as an individual) and leading to its exclusion from participation in the tender.
General Government Terms and Conditions	General Government Terms and Conditions for Public Service Contracts, 2018 version (ARVODI-2018).
Hub	To support communities in their water security and climate adaptation initiatives and to engage in policy and investment dialogues, RVO seeks collaboration with an intermediary organization that is already active in the area. In the Reversing the Flow (RtF) programme this intermediary organization is called a "Hub". A Hub can be formed by an existing local/national organization, partnership or network with strong links to grassroots initiatives and community-based organizations.
IUC EZK	Inkoop Uitvoering Centrum EZK, Procurement Office of the Ministry of Economic Affairs and Climate Policy, part of the Netherlands Enterprise Agency, process manager of this restricted tendering procedure.
Memorandum of Information	A document containing questions submitted by the Candidates in anonymised form as well as the answers provided to these questions by the Contracting Authority.

Public Procurement Act	The Public Procurement Act 2012 (<i>Aanbestedingswet 2012</i>).
Request to Participate	The application (including annexes) submitted by the Candidate on the basis of these Selection Instructions.
Selection Criteria	A criteria that is used for the purpose of limiting the number of Candidates that will be eligible to receive an invitation to tender.
Selection Instructions	The present document, including the annexes thereto.
Suitability Requirement	A requirement to be met by Candidates in order to be eligible for selection and award.
Tenderer	A Candidate who has been selected and who is allowed to submit a Tender in the second phase of this restricted procedure
Tendering Authority	The Netherlands Enterprise Agency (RVO), Ministry of Economic Affairs and Climate Policy also on behalf of the Participating department(s).

1 Introduction

This document contains information about the European tender related to the 'Knowledge component of Reversing the Flow'. This tender will be published on TenderNed and divided into two phases. This document deals with the first phase of the procedure. In the first phase, all interested parties can submit a Request to Participate in the tender and will be registered as Candidates. For the second phase, the Tendering Authority will invite a maximum of five Candidates to submit a Proposal. In the second phase of this Tender, the award of the Contract will eventually be based on the criteria of the most economically advantageous tender based on the best price-quality ratio.

You are invited to apply as a Candidate on the basis of this document.

1.1 Tendering Authority and IUC-EZK

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

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

1.2 Reason for this invitation to tender

Livelihoods of communities greatly depend on natural capital and ecosystem services. In many places, particular in developing countries, we see resources are under pressure. The impacts of climate change exacerbate the degradation and the effect on people's livelihoods.

To overcome these challenges, the Reversing the Flow programme is initiated by the Dutch Ministry of Foreign Affairs, and implemented by RVO. The main aim of Reversing the Flow is to build communities' natural, social and economic resilience through community-led water and climate adaptation action, with a focus on vulnerable communities in fragile landscapes. This knowledge component assignment is about facilitating and learning from community-led approaches to climate change.

Background

In 2018 IOB presented its evaluation report of Dutch policy implementation in integrated water management during 2006-2016¹ - the period dominated by the "aid, trade and investment" policy agenda. IOB concluded that Dutch water management cooperation did not always reach the most vulnerable groups. Moreover, IOB found that interventions often delivered short term results but fell short in securing that beneficiaries could sustain these in the longer term. IOB discerned a pattern of "build-neglect-repair".

¹<https://www.iob-evaluatie.nl/publicaties/beleidsdoorlichtingen/2017/12/01/418-%E2%80%93-iob-%E2%80%93-policy-review-of-dutch-development-aid-policy-for-improved-water-management-2006-2016-%E2%80%93-tackling-major-water-challenges>

Similar implementation shortfalls are also reflected in a 2020 report evaluating 5-year experiences in landscape approaches in Dutch development aid programmes². Integrated landscape management promotes sustainable use of water, farm land, forest and other local ecosystems (biodiversity). Regardless which entry point chosen (water, biodiversity or value chain), the evaluation consistently identified competing claims over land or water, and power disparities between land or water use claimants as the greatest challenge to overcome. Communities in vulnerable situations tend to draw the short end of the stick: climate change adds pressure while vulnerable communities are less capacitated to adapt.

Objective

The objective of the Reversing the Flow (RtF) programme is to make communities in vulnerable situations more resilient to the effects of climate change. It seeks to do so by putting communities in the lead of strengthening their water security and locally-led climate adaptation initiatives. RtF targets different fragile landscapes where different types of marginalization occur.

This should lead to:

- Vulnerable communities are better able to use and replicate inclusive nature-based water security and livelihood solutions;
- Decision makers accommodate communities' influence on decisions;
- Formal development actors (incl. NL) are aware how to design initiatives so that informal groups benefit equitably.

RtF approach

Communities organise, implement and lead actions themselves. RtF funds local organisations, referred to as 'Hubs', to support the communities in this. In each landscape where RtF will be active, a Hub is selected to implement the programme. The Hub directly supports communities in implementing measures that will strengthen communities water security and resilience towards climate change. RtF promotes a participatory approach which allows for inclusion of different interest groups. Where needed, communities are supported in inclusive problem analysis, action planning, design, organisation, monitoring, learning and policy dialogue. This support will be provided by the Hub, in cooperation with the knowledge partner of RtF.

A Hub is connected to a particular landscape. The Hub connects different communities in the landscape, in order to allow cross-community learning, and replicating and scaling-up good practices, to realise impact in the wider ecosystem.

To enable broader impact, effective participation of communities in ongoing policy processes is essential. The connection between bottom-up (informal) initiatives and formal (policy) processes and improvement of the terms of communities' participation in these processes, requires understanding of larger social, cultural, economic and political systems dynamics. It also requires a multi-level approach, engaging actors at national, regional and local level.

² <https://research.wur.nl/en/publications/doing-different-things-or-doing-things-differently-outcome-of-the>

Reversing the Flow will be implemented in 4 to 6 countries. The country selection will be a mix of conflict-affected and fragile countries out of the focus regions of current Dutch policy. The potential target countries are: Bangladesh, Burkina Faso, Ethiopia, Jordan, Kenya, Mali, Mozambique, Niger, Sudan and Uganda. The first potential Hubs have been identified in Kenya and Sudan. At this moment identification is taking place in Burkina Faso and Ethiopia.

Regarding to this assignment, proposals should focus on the approach and process to deliver the requested deliverables, and do not need to dive into the details of each country. After the country selection is completed, the winning Tenderer is requested to tailor the proposal to each country.

RtF is a new and innovative programme; the programme puts communities in the lead, uses a landscape approach to create wider impact, and provides direct funds to local organizations. As such, this implies a continuous need for learning to be able to quickly identify which interventions do or do not work. The programme takes a reflexive approach to monitoring, to ensure that involved actors use lessons learned and new concepts that emerge. Monitoring is an integrated part of RtF, instead of a separate activity.

RtF Strategy

The program works along three strategic lines:

- Funding: RtF funds local organisations, referred to as Hubs, to facilitate community-led water-security and climate resilience interventions (local support facility to grassroots organizations).
- Knowledge development and exchange: RtF facilitates learning between various actors, monitoring, regaining local knowledge, connecting new knowledge, brokering knowledge, innovations in monitoring, reporting, sharing knowledge.
- Engaging dialogues: RtF facilitates and engages in policy dialogues at various levels; multilateral, national and local. Interventions should result in sustainable and inclusive developments for the communities involved and beyond.

1.3 Time schedule

The schedule below applies to this tendering process.

6 January 2023	Publication of Selection Instructions, start of term for submission of Requests to Participate/Application as Candidate.
18 January 2023, 09:00 CET	Closure of 1 st round of questions: deadline for the Candidate to submit questions regarding these Selection Instructions.
30 January 2023	Issuing of 1 st Memorandum of Information.
13 February 2023, 09:00 CET	Deadline for the receipt of Requests to Participate through TenderNed (www.tenderned.nl). Opening of Request to Participate by the Contracting Authority.
Week 7 up to and including week 8 & 9 2023	Assessment of Requests to Participate.
6 March 2023	Announcement of selection decision.
27 March 2023, 09:00 CET	Deadline for asking questions and/or filing an application for a preliminary injunction in relation to the announcement of the selection decision.

Start of the second phase

28 March 2023	Publication of the Tender Document to the selected Candidates and invitations to submit a Tender.
18 April 2023	Deadline for the selected Candidates to provide the evidence requested by the Contracting Authority.

Contracting phase

1 September 2023	Intended commencement date of Contract(s).
------------------	---

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 the Contract

2.1 Description and purpose of the Contract

The purpose of the knowledge component assignment is:

- to facilitate learning and knowledge sharing throughout the implementation of the programme (level 1);
- to facilitate policy dialogue at various levels (level 2);
- to facilitate the monitoring of the programme (level 3).

The Tenderer should work in close collaboration with the 'Hubs' that will implement the programme. This requires a transparent, adaptive and inclusive approach where communities are in the lead of the programme implementation in their landscape.

Level 1: Knowledge exchange and learning

The first objective of the knowledge component is to enable knowledge exchange and learning:

- Enable knowledge brokering, exchange and learning:
 - o across communities within a watershed or landscape;
 - o between these communities and local government, utilities, corporates, civil society, development partners;
 - o between watersheds (or landscapes) and across program countries;
- Address identified learning needs by connecting Hubs (horizontal knowledge exchange);
- Facilitate knowledge development and sharing through national knowledge institutes, international platforms and CSOs (vertical knowledge exchange).

Learning in the landscapes should be demand driven and organized from the needs brought forward by communities in the particular landscape. The Tenderer is expected to support context-specific, sound and feasible interventions in the landscape. Hubs play an intermediary role in linking communities to (technical) experts to support the design (and sometimes realisation) of their plans. The Knowledge partner might be able to play a role here.

Digital learning, locally-embedded knowledge sharing tools, storytelling, or other creative solutions are considered important in documentation and successful knowledge sharing. The approach used should be contextualised to each landscape, and accessible to all members of the communities (no language barriers). A key principle is to make on- and offline expertise in integrated water resources management and climate resilience accessible for communities and to enable them to share their stories with other stakeholders in the programme. As a result, communities will increase their capacity to develop, advocate and implement inclusive approaches.

Level 2: Policy dialogue

The second objective of this knowledge component assignment aims to enable policy dialogue at various levels in order to enhance communities' impact on decision making. Specifically, the policy dialogue is aimed at:

- Local policy influencing based on community needs, inclusive to all affected groups. Communities will be supported to document their policy asks (gaps or lessons learned) and to engage in policy dialogue with local governments and other stakeholders.
- Local, national, regional and global promotion of locally-led development and integrated water and landscape governance systems (including co-management arrangements with communities).
- Inclusion of community voice in development interventions with landscape impact to become more sustainable and equitable.

The Tenderer should support learning for and from policy dialogue initiatives at these different levels. Learning should be facilitated between the collective experiences of the communities and Hubs with stakeholders that traditionally have more voice in formal decision making at the landscape or watershed tier. Examples of stakeholders are local government, utilities, private sector, civil society, and other development partners. This is to enhance the human and social capital of members and representatives of groups in vulnerable situations, to express their need to sustain the natural capital they depend on (water, landscape, ecosystem services), and to influence formal decision making and allocation of economic capital at landscape or watershed scale to their advantage.

Level 3: Monitoring

The third objective of this knowledge component assignment focusses on steering and realisation of the ambitions of the RtF programme. The knowledge exchange and learning activities are a central part of the programme. Continuous reflection and learning will take place, allowing to build on successes and learn from failures, as well as to adapt the programme where needed. There will be a continuous learning cycle: a mindset of reflection during the implementation feeds into the process of learning, which in turn allows to adapt and improve interventions.

Specifically, programme monitoring of RtF:

- Should be in line with the inclusive, participatory and adaptive character of the programme;
- Requires a transparent and locally-led monitoring approach to allow decision making by and in collaboration with the communities and Hubs;
- Facilitate adaptive programming to respond to foreseen and unforeseen events that may hinder programme implementation;
- Should be flexible and open for unexpected and unintended results.

Creativeness and practical application are key elements to support monitoring and steering by the communities. The Tenderer is challenged to come up with new and innovative ideas to support Hubs with a monitoring approach that the Hubs can implement. The use of tools depends on the context and should be tailor-made to fit the objectives and capacities of the communities. Digital learning and the use of mobile phones may play a major role. The Tenderer is encouraged to use the expertise on digital applications in local monitoring built up in other programmes, amongst others the Shared Resources Joint Solutions programme.

Monitoring and learning are closely intertwined aspects of the RtF programme.

To address these needs, a learning agenda for the RtF programme should be developed. While this learning agenda will be a dynamic document that changes throughout the programme, learning questions could potentially focus on the following topics:

- Which interventions work and do not work?
- Which interventions can be successfully replicated and scaled up in other contexts?
- How can RVO, the MFA and other development actors adapt their ways of working in order to accommodate local autonomy and enhance local initiatives?

As the first Hub has been identified in Kenya, a baseline research is currently being implemented. This baseline research approach should be used in the other landscapes where RtF will be active, tailor-made to fit the local context. Information on the baseline approach will be shared in the second phase of this Tender. Programme evaluation is not included in this knowledge component assignment.

The Contracting Authority wishes to conclude a Contract with one Tenderer. The Tenderer could be a consortium of multiple organizations.

2.2 Lots

The Contracting Authority intends to select five Candidates for the 2nd phase.

The tender will not be subdivided into lots due to the integral nature of the assignment.

2.3 Contract period

The contract will commence in Q3 2023 and ends after all services have been executed and paid by the contracting authority. The final finished product and the related services must be delivered latest by Q3 2027, unless the parties agree otherwise.

The Contracting Authority wishes to conclude a Contract with 1 Tenderer.

2.4 Scope of the contract

The Tendering Authority has estimated a total contract value of maximum € 1,000,000.- exclusive of Dutch VAT (incl. local VAT if applicable).

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.

Tenderers need to take into account that the effective quantity or value could/might be significantly lower than the quantity or value mentioned above. This is caused by the fact that there is a number of uncertain factors that influence the amount /quantity of products or services to be purchased. It is expected that 10 local Hubs will be selected, but this number might change during the implementation phase of the RtF programme depending on various external factors. In addition, the number of countries where RtF will be implemented is not confirmed yet, it is estimated to a maximum of 6 countries.

3 Requirements to the Candidate

3.1 Introduction

In this chapter you can read which requirements are set by the Tendering Authority to determine whether a Candidate is suitable to be selected for the further procedure. In the European Single Procurement Document you indicate whether or not the Exclusion Grounds apply to you and whether you meet the Suitability Requirements.

The European Single Procurement Document is a PDF document that has been partially completed for you. You must complete the other requested information yourself. You need to sign the document and add it to your Request to participate through TenderNed.

3.2 Exclusion Grounds

The following Exclusion Grounds are specified in the annex 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.

You must fill in the 'European Single Procurement Document electronically, print it out and legally sign it (please refer to paragraph 6.3.13).

See Section 6 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 Request to participate: it is only required when as the Tendering Authority requests it.

The evidence consists of:

1. Extract of Trade Register (no older than 6 months, see § 3.4)
2. Tax statement (no older than 6 months)

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

The Tendering Authority, to which a Candidate 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 Candidate, also accepts data and documents from another Member State, from the country of origin of the Candidate or from the country where the Candidate is established, that serve an equivalent purpose or that show that the exclusion ground(s) do(es) not apply to Candidate.

**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.**

3.3 Suitability Requirements

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

By submitting a Request to participate, including a signed annex European Single Procurement Document – Part IV (which uses the term 'Selection Criteria' to refer to the Suitability Requirements), the Candidate declares that he complies with the Suitability Requirements as specified in this subsection of these Selection Instructions. These Suitability Requirements are further specified in the subsequent paragraphs in this section.

Financial and economic standing

By signing the European Single Procurement Document, the Candidate declares:

- a. That he possesses sufficient financial and economic capacity to fulfil the contractual obligations.
- b. That the Candidate 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 Candidate 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, will remain sufficiently insured throughout the duration of the assignment(s).

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

- 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 Candidate's parent/holding company are used as evidence for the aspect of financial-economic capacity, then the Candidate 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 Selection Criteria

4.1 Criteria applicable to the qualitative selection of Candidates

In case there are more Candidates than the predetermined number to be admitted to phase 2, they will be assessed on the basis of the selection criteria mentioned here. In this way, the number of Candidates is reduced to the number determined in sections 1 (Introduction) and 5.1 of this document. A ranking will be made of the Candidates on the basis of the differences in quality.

Each suitable Candidate can obtain a maximum of 100 points on these qualitative selection criteria. The ranking is based on the final total final score of the Candidates.

The selection criteria to be used and the associated assessment and award method are described in more detail in the following sections.

Qualitative selection criteria

- 1) The Tenderer has set the following core competences, which demonstrate previous experience in essential aspects of the assignment (45 points)

Maximum score	Assessment criteria: Experience
45 points	Please share your response to these criteria on maximum 2 pages (A4 - Verdana 9). The assessment of this criteria will be based on the following division of points. a) The Tenderer should have experience with working directly with communities in developing countries. Please share your previous experience, including the number of years of experience and examples (<i>maximum of 15 points</i>). b) The Tenderer should have experience with facilitating knowledge exchange on the three different levels (see §2.1 for more information on the required levels for knowledge exchange). Please share two cases where you have facilitated knowledge exchange (<i>maximum of 30 points</i>).

- 2) The Tenderer has set the following core competences, which demonstrate knowledge of essential aspects of the assignment (20 points)

Maximum score	Assessment criteria: Knowledge
20 points	Please share your response to this criteria on maximum 1 page (A4 - Verdana 9). The assessment of this criteria will be based on the following division of points. a) The Tenderer should have experience with using the following principles: • Locally-Led Adaptation (LLA) (<i>maximum of 7 points</i>) • Integrated Water Resources Management (IWRM) (<i>maximum of 7 points</i>) • Integrated Landscape Approaches (<i>maximum of 6 points</i>) Please share examples per sub criterium.

- 3) The Tenderer should have access to a relevant network that is essential for successful implementation of the assignment (35 points).

Maximum score	Assessment criteria: Relevant network
35 points	Please share your response to these criteria on maximum 1,5 page (A4 – Verdana 9). The assessment of this criteria will be based on the following division of points. a) The Tenderer should have or be able to use a network of local (knowledge) organizations in the potential countries where RtF will be implemented, including in high-risk contexts. These include Kenya, Sudan, Burkina Faso, Ethiopia, Bangladesh, Uganda, Mozambique, Niger, Jordan and Mali. Please explain how you would meet this criterium, specify: • In which countries you have experience with a network of local (knowledge) organizations (<i>maximum of 10 points</i>) • How you would make use of a network of local (knowledge) organizations in countries where you do not have previous experience (<i>maximum of 10 points</i>) b) The Tenderer should have (or have access to a network with) demonstrable knowledge of Dutch development aid policy. Please explain how you would meet this criterium, by providing examples you receive a higher score (<i>maximum of 15 points</i>).

Award method

The Selection Criteria above lists the assessment criteria that will be applied and the *maximum* number of points that can be obtained.

The members of the assessment team will apply the scale below when assessing the specified criteria.

Quality of the response	Weighting percentage of the maximum points available per preference
Excellent, with great added value	100%
Very good, with some added value	90%
Good	80%
Ample	70%
Satisfactory	60%
Average	50%
Fair, not completely satisfactory	40%
Unsatisfactory	30%
Poor, insufficient	20%
Very poor, insufficient	10%
No response provided	0%

5 Assessment of the Requests to Participate

The Requests to Participate shall be assessed in accordance with the provisions set out in this Section.

5.1 Number of Candidates to be selected

The Tendering Authority intends to invite five Candidates to submit a Tender.

In the event that the number of Candidates who have met the rules and requirements, as well as the conditions pertaining to the European Single Procurement Document, is equivalent to or smaller than five, all suitable Candidates will be invited to submit a Tender.

If the number of suitable Candidates exceeds five, all suitable Candidates will be assessed on the basis of the Selection Criteria, in accordance with the assessment method described in Section 4. The above mentioned number of eligible Candidates who have obtained the highest final overall score will be selected by the Tendering Authority for participation in the tendering phase (phase 2) of this tendering procedure.

The Tendering Authority will round the final overall score for each Candidate to the first decimal place. Scores for the separate Selection Criteria will not be rounded.

If two or more Candidates have an equal total score and they are qualifying for the last place(s), that would result in the Tendering Authority having to invite these Candidates to submit a Tender, then the Tendering Authority will invite the Candidate with the highest score on the Selection criterium: Experience. In case Candidates obtain an equal score on Selection criterium: Experience, a lottery will take place to determine who will be invited.

5.2 Procedural rules and requirements

Upon receipt the Requests to Participate will first be checked for compliance with the provisions and requirements set out in Section 3. Failure to meet these provisions and requirements will result in the Request to Participate being excluded from participation in the tender.

5.3 European Single Procurement Document

It will then be checked whether the European Single Procurement Document has been duly completed and signed, without any caveats or amendments having been introduced (see Section 6).

In case the Request to Participate fails to meet the above provisions it will be excluded from further participation in the tender and it will not be assessed.

You must fill in the European Single Procurement Document electronically, print it out and legally sign it and upload it on TenderNed.

At this first phase of the Tender, no substantive check will be performed with regard to the accuracy and lawfulness of details provided in the European Single Procurement Document. The Tendering Authority will only do so for the statements of the Candidates it wishes to invite to tender (phase 2).

5.4 Selection Criteria applicable to the Candidates

The Tendering Authority will subsequently assess the extent to which the Selection Criteria have been met (see Chapter 4). These Selection Criteria will enable the Tendering Authority to limit the number of Candidates that will be eligible to receive an invitation to tender, provided there are sufficient suitable Candidates. The Tendering Authority will award points to the Requests to Participate that have not been excluded in the preceding assessment steps. Chapter 4 describes the assessment and award method in greater detail.

5.5 Review of the evidence

The Tendering Authority will require the Candidates that it has invited to tender to provide the items of evidence detailed in Section 3. The selected Candidates will be required to submit the evidence to the Tendering Authority within twenty calendar days of having first been requested to do so. Failure to provide correct and valid evidence in time may result in the Candidate being excluded from the remainder of the tendering procedure.

6 Procedure for Request to Participate

6.1 Statement of Agreement

By submitting a Request to Participate, accompanied by the European Single Procurement Document, the Candidate explicitly agrees to the provisions and requirements and all other conditions stipulated in these Selection Instructions.

6.2 Schedule

See schedule in Section 1.3.

6.3 General procedure

This tender is organised in compliance with the Public Procurement Act. In this case, the 'restricted procedure' was selected. An announcement thereof was published on www.tenderned.nl and on Tenders European Daily (TED).

Communication

Unless determined otherwise, all communication with regard to this tendering procedure will be conducted through TenderNed (www.tenderned.nl).

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):

Katia Sayapina, katia.sayapina@rvo.nl and Maurice Janson, maurice.janson@rvo.nl.

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

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 when calling from abroad +31 70 379 88 99 or via servicedesk@tenderned.nl. You can also consult <https://www.tenderned.nl/cms/tenderned-voor-ondernemen> ([English | TenderNed](#))

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 <https://www.tenderned.nl/cms/voor-ondernemen-uw-tenderned-account/inloggen-op-tenderned-als-ondernemer-met-eherkenning> 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.

Questions and additional information

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 Memorandums 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 Request to Participate.

Submitting a question to the Tendering Authority

Questions are to be asked via TenderNed. See

<https://www.tenderned.nl/cms/english/request-participate-restricted-procedure>

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 answers from the Tendering Authority can be published directly in TenderNed or in a Memorandum of Information. The directly published answers or Memorandum(s) of Information are an integral part of this document. The Tendering Authority assumes that all subjects/items for which no questions have been asked are clearly and fully understood.

Costs in connection with Requests to Participate

The Tendering Authority will not reimburse any costs in connection with the preparation and submission of a Request to Participate or any additional information requested from the Candidate.

The Candidate shall bear any costs and/or losses he incurs or may incur as a result of the failure to win the Contract.

Cancellation of the tender

Until such a time as the envisaged Contract is signed, the Tendering Authority reserves the right to cancel the tender either in full or in part, on a temporary or permanent basis. In such a case, Candidates will not be entitled to receive compensation for any costs incurred by them in connection with this tender unless the Tendering Authority is of the opinion that a contribution to the tender costs is appropriate in view of the circumstances.

Priority of documents

In the event of any contradictions between the Selection Instructions and the memorandum(s) of Information, the memorandum of Information will take precedence. In the event that several Memorandums of Information were issued and there are contradictions between them, the stipulations in the most recent Memorandum of Information shall prevail.

Information regarding the obligations applicable to Candidates

By submitting a Request to Participate, the Candidate confirms that, when submitting a tender, he will take into account the obligations in the field of environmental, social and labour law, as determined in Section 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 Candidate's activities throughout the Contract period is available from the following sources:

- The Dutch Tax and Customs Administration where provisions in relation to taxation are concerned: www.belastingdienst.nl
- The Ministry of Infrastructure and the Environment where provisions in relation to environmental protection are concerned: www.rijksoverheid.nl
- The Ministry of Social Affairs and Employment where provisions in relation to labour protection and employment conditions are concerned: www.rijksoverheid.nl

Contradictions or objections

A Candidate who is of the opinion that a document made available by the Tendering Authority contains contradictions, inaccuracies or ambiguities, must promptly report this in writing to the contact person, including substantiation.

Complaints procedure

If a Candidate remains in disagreement with the response by the Tendering Authority or in the event that no response is received, he can file a complaint. Further information can be found in the annex 'Complaints procedure'.

Dispute resolution

In addition to the provisions of paragraph 6.3.9 - Complaints procedure, disputes in connection with this procedure may be submitted to the Commissie van Aanbestedingsexperts (www.commissievanaanbestedingsexperts.nl) and/or the competent court in The Hague. Only Dutch law shall apply.

Submitting a Request to Participate

The deadline (date and time) for a Request to Participate is stipulated in the 'Time schedule' (1.3).

- To be able to submit a digital application through TenderNed, you must register with TenderNed. One or more registered users must be connected and authorised by your company to submit the Request to Participate via TenderNed on behalf of your company. The Tendering Authority advises you to start the TenderNed registration process immediately, rather than postponing it until the deadline for submitting a Request to Participate has (almost) been reached. Upon registering your organisation you must add your Request to Participate on the TenderNed announcement platform. You can do so with the help of the 'Toevoegen aan mijn aanbestedingen' button.
- See <https://www.tenderned.nl/cms/english/request-participate-restricted-procedure> for more information on how to register and set up your organisation on TenderNed, and on how to submit a digital application. This information and supplementary information on the use of TenderNed can also be accessed at <https://www.tenderned.nl/cms/english>.

- The Tendering Authority will only take into consideration digital applications which were submitted to the digital safe of this tender on TenderNed prior to or on the closing date for applications.
- The time and date as displayed on the digital countdown clock in TenderNed serves as the definitive deadline for the submission of Requests to Participate.
- The Tendering Authority will only be able to access the applications once the digital safe in TenderNed has been opened. This safe can only be opened after the deadline for submission has passed.
- If you have any technical questions or experience issues regarding the digital application process through TenderNed, please contact the TenderNed service desk via servicedesk@tenderned.nl or call 0800-8363376 (from the Netherlands) or +31 (0)70 379 8899 (from abroad). If you feel that the TenderNed service desk has failed to deal with your questions or concerns in a timely or adequate manner, you may approach the contact person of the Tendering Authority (see paragraph 6.3.1).
- Any risks resulting from late submission of the Request to Participate and/or submission of a non-compliant or incomplete Request to Participate is borne by the Candidate.
- The Tendering Authority is neither responsible nor liable for any consequences resulting from a Request to Participate that is submitted too late, incorrectly or incompletely.

The Tendering Authority will treat the information provided by the Candidate as confidential.

Form and content of the Request to Participate

The Request to Participate must be submitted fully on TenderNed. The European Single Procurement Document must be signed in a legally binding manner.

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 authorization to represent the organization, 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.

Applications in collaboration with other companies

In case you are not able to perform the contract independently you have the option to submit a Request to Participate in collaboration with other companies/organisations.

There are two ways in which to submit an application in collaboration with other companies:

- 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 Request to Participate 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.

Submitting a request to participate as a consortium

If a Request to Participate is submitted by a consortium, then:

- Each 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 Request to Participate 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 request to participate as a principal contractor together with subcontractors

If a Request to Participate 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 Request to Participate 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 Request to Participate.

Upon the award of the Contract, the Tendering Authority will request – prior to the commencement of the Contract – that the winning principal contractor provides the following information:

the name, contact details and legal representatives of the subcontractor that will be involved in the execution of the work or the provision of the services.

One single Request to Participate

Natural persons, legal entities and companies may only submit one single Request to Participate (whether in an individual capacity or together with other natural persons, legal entities or companies).

Candidates 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 tender procedure nor has it restricted fair competition.

By submitting a Request to Participate, the Candidate agrees to this condition.

Violation of a fundamental principle of procurement law, fair competition

Any Candidate 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 tender procedure. This is also the case if the violation or the restriction of fair competition only comes to light after the announcement of selection decision to all Candidates. Prior to making the decision to exclude the Candidate in question, the Tendering Authority will notify the Candidate of this intention, at which point the Candidate 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 the Request to Participate, the Candidate declares his awareness that actions contravening any fundamental principle of procurement law can result in the aforementioned consequences. Actions in violation of a fundamental principle of procurement law are understood to include breaches of the (mandatory) laws and regulations applicable to this tender. The Tendering Authority can use all resources available 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.

Communication and language

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

The Request to Participate must be submitted in Dutch OR English.

Additional documents (such as informational materials etc.) can also be provided in Dutch OR English.

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

General terms and conditions

The applicability of any of the Candidate'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.

The terms and conditions in question will be included in this document.

Further explanation and verification of the Request to Participate

The Tendering Authority may require the Candidate to provide further explanations and/or supporting documents with regard to the Request to Participate. The Tendering Authority shall be entitled, but is under no obligation, to verify the accuracy of all details and declarations to be submitted on the basis of the Request to Participate.

Selection decision, evidence and final selection

Selection decision

The Tendering Authority will announce its decision on which Candidates are selected to submit a Tender and which ones are not, to all Candidates simultaneously. The rejected Candidates will receive a letter stating the reasons for the rejection. Each interested party may also request additional information from the contact person at the Tendering Authority.

Stand still period

Each interested party who does not agree with the selection decision and (verbal) explanation may apply to the civil court in The Hague for a preliminary injunction. The summons must be served within 20 calendar days subsequent to the electronical transmission of the selection decision. This period must be regarded as an expiry period, after which no more applications for a preliminary injunction can be submitted. In the event a Candidate files a preliminary injunction, he is requested to send a copy of the summons to the Tendering Authority.

If a preliminary injunction is applied for 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.

In case a preliminary injunction is filed against the selection decision the Tendering Authority will inform all Candidates of this.

Interest in relation to the judgement

A Candidate wishing to assert an interest in connection with a judgement in the preliminary injunction proceedings that have been brought before a court can only engage in these proceedings by means of an intervention or joinder. The Candidate cannot initiate separate proceedings or other judicial proceedings.

Submission of evidence

A Candidate who has signed the European Single Procurement Document is not yet required to include with its Request to Participate any evidence, unless expressly stated otherwise in this document.

By signing the European Single Procurement Document, the Candidate agrees that the Tendering Authority reserves the right to require the selected Candidate(s) to submit the evidence stated in the European Single Procurement Document at a later time. The Candidate must, within twenty calendar days after the first request from the Tendering Authority, submit the requested evidence. In the event that the content or

validity of one or more of the items of evidence submitted is not acceptable to the Tendering Authority, this may result in the Candidate being excluded from further participation in the procedure. In such a case, the Tendering Authority will notify all Candidates.

Final selection

If there are no (further) impediments, the selected Candidates will be invited by the Tendering Authority to submit a tender.

Annexes

The annexes below form an integral part of these Selection Instructions. They are published separately from the Selection Instructions.

Annex 1 - European Single Procurement Document

Annex 2 - ARVODI-2018

Annex 3 - Complaints procedure