



**Invest  
International**

# **Selection Document**

**Concerning  
Consultancy for  
Infrastructure Project Preparation**

**Restricted European tender procedure**

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## DEFINITIONS

In this Tender Guide the definitions below are used with an initial capital letter. The definitions may be used in either singular or plural form. The definitions apply to all Tender Documents.

A	
<b>Affiliate</b>	<p>A corporation or any entity controlled by or controlling the Candidate or associated with the Candidate under common ownership and control. Control is defined by the power to direct or cause the direction of the management policies and actions of such Affiliate whether through:</p> <p>(a) ownership of at least fifty per cent (50%) plus one (1) of either or a combination of the following:</p> <ul style="list-style-type: none"> <li>(i) the total outstanding voting shares; or</li> <li>(ii) the voting rights,</li> </ul> <p>in another entity:</p> <p>(b) the ability to elect a majority of the members of the other entity's board of directors; or</p> <p>(c) any legal agreement or legal agreements, including a voting trust or other voting agreements.</p> <p>In determining ownership of the shares in a corporation, shares held both directly and indirectly are relevant.</p>
<b>Agreement</b>	The Framework Agreement at issue.
<b>Appendix</b>	An attachment forming part of any of the Tender Documents.
<b>Assessment committee</b>	A team of individuals who do the substantive evaluation of the bids.
<b>Assignment</b>	The Contract to be put in the market through this Tender Procedure.
<b>Award criteria</b>	Criteria based on which the Contract will be awarded. There is one main criterion, namely the "most economically advantageous Proposal". Within this criterion, the legislator distinguishes the following three separate award criteria: (a) best value for money, (b) lowest cost calculated based on cost-effectiveness and (c) lowest price (Section 2.114 AW).
<b>Award Guide</b>	The Tender Document which is applicable in the Award Phase (second phase), including the associated Appendices, which contains all information, requirements, preferences, and conditions relevant to the submission of a Proposal within the context of the European Tender procedure to which it relates.
<b>Award Decision</b>	The Contracting Authority's choice of the Contractor to whom it intends to award the Contract to which the procedure relates, which shall include the choice not to award a Contract.
<b>Award Phase</b>	The second phase of the Tender Procedure where the Contractor(s) submit(s) the Proposal.
B	
<b>Beneficiary government</b>	The government agency, ministry or department in the Beneficiary country that is requesting D2B or DRIVE (or both) funding from the Contracting Authority in relation to. Beneficiary government may also include a contracting authority, being the agency or department mandated by the Government to procure a Project (which is not necessarily the signatory of the Works contract).
C	
<b>Calamity Fund</b>	Contingency fund that compensates third parties if Candidate cannot meet its obligations.
<b>Call Off Contract</b>	Individual assignment contracted under the Framework which is awarded to an empanelled Contractor on basis of evaluated Proposals.
<b>Candidate</b>	In this document all Tenderers (Consortia) are referred to as Candidate.

<b>Concession Agreement (CA)</b>	A generic term for a contract within the context of a PPP. A Concession is only a form of PPP, however in the context of the Framework and procurement of infrastructure, it is used for describing the PPP-type of contractual arrangement between an Authority and a SPV (also referred to as Concessionaire), by opposition to a contractual arrangement for traditional procurement, usually based on a FIDIC model.
<b>Consortium Member</b>	A consulting firm that is empanelled jointly with a group of firms in association with a Lead Firm. In this TOR, the term consortium is not used to refer to a particular legal construction but to describe an association of firms irrespective of the legal arrangement between them and the Lead Firm.
<b>Consortium</b>	Two or more Firms who register jointly and cooperate with each other on an equal level. Each Firm in the Consortium is jointly and severally liable.
<b>Contracting Authority</b>	A person who, or a company that, issues an Assignment to a Contractor. For this Assignment: Invest International Public Programmes B.V. This Tender shall be carried out on behalf of Invest International Public Programmes B.V.
<b>Contractor(s)</b>	An entity which will be part of a panel for a given Lot under the Framework. The Contractor can be a single firm or entity; if the submission is done as a consortium or group of firms, the Contractor is the association represented by a designated (and duly empowered) Lead Firm.
<b>D</b>	
<b>D2B</b>	Develop2Build, a development program of the Ministry of Foreign Affairs of the Netherlands executed by the Contracting Authority on behalf of the MoFA to fund studies and consultancy necessary for Project preparation prior to procurement of Works.
<b>Data Processing Agreement (DPA)</b>	If privacy sensitive data shall be processed for the purpose of implementing the Agreement, a Data Processing Agreement is needed to be signed before the contract enters into force.
<b>DFI</b>	Development Finance Institution. In this TOR, DFI is used in the context of a national development agency or bank (e.g. FMO, KfW, AFD, IFU, etc.), by opposition to Multilateral Development Banks (MDB), also referred to as IFI or International Financing Institution.
<b>DRIVE</b>	Development Related Infrastructure Investment Vehicle, a grant funding program of the Ministry of Foreign Affairs of the Netherlands executed by the Contracting Authority on behalf of the MoFA to provide government-to-government grant funding for Public and Healthcare infrastructure projects.
<b>E</b>	
<b>EC</b>	Engagement Committee. The EC is an internal body of Invest International which has authority to direct departments and teams to allocate time, resources and staff to a particular Project which may be of interest for Invest International. An approval of the EC to proceed is not a commitment to provide grant funding to a Project, which is subject to its own due-diligence procedure leading to an approval by the subsequent Investment Committee (IC).
<b>Economically Most Advantageous Tender (EMAT)</b>	EMAT is the umbrella term for the three award criteria: Lowest price; Lowest cost of living; Best value for money.
<b>Employer</b>	In the context of FIDIC-based procurement, the Employer is the party that requests and receives the Works and defines the technical specifications and minimum performance standards. In the context of the Framework, the Employer is the governmental agency duly authorised to procure the Project and sign a contract on behalf of its Government.
<b>ESIA</b>	Environmental and Social Impact Assessment.
<b>European Single Procurement Document (ESPD)</b>	The European Single Procurement Document (ESPD) is the European standard form used in the Netherlands for tenders both above and below the European Tender Threshold.
<b>F</b>	
<b>FIDIC</b>	<i>Fédération Internationale des Ingénieurs-Conseils</i> is the professional organisation formulating international standards for construction technology and consulting engineering. It produces the contractual models and templates referred to as FIDIC contracts.

<b>Final Award</b>	The communication of the Award Decision after the objection period, being acceptance as referred to in Article 217, paragraph 1, of Book 6 of the Civil Code of an offer made by a Contractor.
<b>Financing</b>	Temporary cash inflows assigned to a Project to cover a funding mismatch (in time) such as debt and equity. Financing is to be repaid overtime, usually with a return to the financier providing finance.
<b>Firm</b>	A Candidate, member of Consortium, Supplier, or service provider.
<b>Framework Agreement</b>	Umbrella contract under which Call Offs are made for Consulting Services for Public and Healthcare Infrastructure procured by the Contracting Authority.
<b>FS</b>	Feasibility Study
<b>Funding</b>	Source of inflow consumed in a Project to offset its costs, such as revenue or government contributions in grants and subsidies. Funding does not need to be repaid overtime.
<b>G</b>	
<b>GA</b>	Grant Arrangement. A GA is a contractual engagement of the Contracting Authority for committing any DRIVE (or D2B) funds. A GA can only be entered with a public, governmental counterpart (i.e., the Beneficiary government).
<b>Ground for exclusion</b>	A circumstance applicable to the Candidate or a person affiliated with the Candidate that results in exclusion of the Candidate from participating in the further tendering process.
<b>I</b>	
<b>IC</b>	Investment Committee. The IC is an internal body of Invest International. The IC gives approval for committing the various funding instruments managed by Invest International B.V. (including the D2B and DRIVE programs), on basis of which an entity of Invest International B.V. can enter a committed engagement. In the case of DRIVE (or D2B), such contractual engagement is in the form of a GA and can only be entered with a Governmental counterpart (i.e., the Beneficiary government).
<b>IESG</b>	Impact, Environmental and Social Governance.
<b>Integrated Project Management</b>	Integrated Project Management shall be understood as the expertise and experience of the Candidate in leading project development undertaking which go beyond managing consulting assignments, where the Candidate also take ownership in initiating a (phase of a) project and bringing it to execution in cooperation with other stakeholders (such as Authorities, financiers, and contractors).
<b>Intention to Award</b>	Notice to the winning Contractor to whom the Contracting Authority intends to award the Contract. This does not yet entitle the winning Contractor to Final Award of the Contract, as the notice does not constitute an acceptance of the Proposal. Therefore, there is no Contract yet.
<b>IIPP</b>	Invest International Public Programmes B.V.
<b>IM</b>	Investment Manager (from IIPP).
<b>Invitation for the Award Phase</b>	The selected Candidates from the Selection Phase who will be forwarded to the Award Phase.
<b>L</b>	
<b>Lead Firm</b>	In the case of a joint submission in consortium or a group of firms, the party which is mandated to represent and legally bind all parties jointly apply to the Framework is the Lead Firm. If submission is made as a sole entity, please refer to the definition of Contractor.
<b>Lot</b>	A part of the Framework tendered together with other parts to create a panel of Contractors. A Lot is based on different requirements and panels can differ between Lots.
<b>Lumpsum</b>	The total contractsum for which the Contractor performs the entire Call Off contract.
<b>M</b>	
<b>Main Candidate/Contractor</b>	A Candidate/Contractor who bids together with Subcontractor(s) and is jointly and severally responsible for the performance of the Contract.
<b>MDB</b>	Multilateral Development Bank.
<b>M&amp;E</b>	Monitoring & Evaluation (in relation to impact and outcome).
<b>Memorandum of Information</b>	Supplement to the previously published Tender Documents, which forms an inseparable part of the Tender File.

<b>MoFA</b>	Ministry of Foreign Affairs of the Kingdom of the Netherlands
<b>MOFTDC</b>	Minister of Foreign Trade and Development Cooperation of the Kingdom of the Netherlands, a Minister without portfolio of the Dutch Government under the MoFA of the Kingdom of the Netherlands. MOFTDC is mandating Invest International to manage and implement the D2B and DRIVE grant programs.
<b>N</b>	
<b>NbS</b>	Nature-based Solutions. Sometimes referred to as “building with nature”. A NbS is a technical approach to building an infrastructure asset that is inspired by processes and functioning of Nature. A NbS is typically chosen for achieving greater resilience (to climate change) while yielding equal or higher societal, environmental, and economic benefits than traditional, “grey”-infrastructure solutions.
<b>P</b>	
<b>Pricesheet</b>	The template on which Contractor enters the rates including all costs (all-in rate) for all requested items.
<b>Procurement Act</b>	Procurement Act 2012
<b>Program of requirements</b>	List of all the requirements related to the tender.
<b>Project</b>	The broader Infrastructure or Healthcare Project prepared by a Beneficiary government (or a contractor in the case of a USP) for which a Call Off Contract is necessary to realise or complete the required studies and plans.
<b>Proposal</b>	A Proposal is submitted by Contractors in response to an invitation to tender for a Call Off Contract. A Proposal comprises a Technical Proposal and a Financial Proposal.
<b>Public Procedure</b>	Procedure in which all Firms may tender in response to an announcement.
<b>Public Procurement</b>	The Public Procurement Act 2012 ( <i>Aanbestedingswet 2012</i> ).
<b>R</b>	
<b>Registration</b>	The Proposal submitted by the Contractor based on the Award Guide, including Attachments.
<b>Request for Participation</b>	The documents submitted by the Candidate in the Selection Phase with the aim of being selected for the Award Phase.
<b>Request for Proposal (RFP)</b>	An invitation to tender for a Call Off Contract.
<b>Restricted Tender Procedure</b>	A procurement procedure conducted in two phases: in the Selection Phase, a limited number of Candidates are selected to submit Proposals in the second phase (Award Phase).
<b>S</b>	
<b>SCBA</b>	Social Cost-Benefit Analysis, an economic appraisal of an infrastructure project.
<b>Selection Criteria</b>	Criteria to limit the number of Candidates to a predetermined number, who are then invited to submit a Proposal.
<b>Selection Decision</b>	The Contracting Authority's choice for the Candidate it intends to invite to register for the Award Phase.
<b>Selection Document</b>	All documents produced and published by the Contracting Authority which describe the selection process.
<b>Selection Phase</b>	In this phase a limited number of Candidates are selected to submit a Request for Participation in the second phase (Award Phase).
<b>Selection Instructions</b>	The present document, including its appendices containing all information, Selection Requirements, Selection Criteria, and conditions relevant to the ability to issue a Request for Participation under the (European) Selection Procedure to which it relates.
<b>Selection Procedure</b>	The procedure in which the Grounds for exclusion, the Suitability Requirements and the Selection Criteria are applied by which the Contracting Authority determines whether a Candidate is suitable and then which Candidates are most suitable for submitting a Proposal.
<b>Selection Requirements</b>	Objective criteria set by the Contracting Authority, the purpose of which is to admit only Suppliers deemed suitable to the bidding process.
<b>Services</b>	Consulting Services and studies prepared by specialised consulting firms which are empanelled in the Framework and that can be procured by the Contracting Authority by mean of Request for Proposal, restricted to Contractors that have been included in the Framework's panel.
<b>Subcontractor</b>	Person or organization who, on the Assignment of a Contractor, without being employed by the Contractor, performs all or part of the Assignment assumed.

<b>Suitability Requirements</b>	This is to determine whether a Candidate is suitable to submit a Proposal in phase 2.
<b>Supplier</b>	Anyone who offers products/services on the market.
<b>T</b>	
<b>TA</b>	Technical Assistance
<b>Tender</b>	The process by which a Contracting Authority announces that it wishes to have a Contract performed and invites companies to submit a Request for Participation and/or a Proposal.
<b>Tender Documents</b>	Set of documents to procure a Call Off Contract issued to empanelled Contractors which contains all necessary forms and information, including an invitation letter, for Contractors to prepare and submit a Proposal for a particular Call Off Contract.
<b>Tender Guide</b>	Element of the Tender Documents which contains the instructions and procedure, for Contractor to submit a Proposal, and also provide the Framework and principles for evaluation of Proposals and award.
<b>Tender Platform</b>	The digital platform TenderNed on which the Tender procedure is executed.
<b>Tender Procedure</b>	The chosen procedure in which the Contract is put in the market, to come to an Agreement with one or more Contractors, as defined in the Selection Document.
<b>TOC</b>	Theory of Change.
<b>TOR</b>	Terms of Reference
<b>U</b>	
<b>USP</b>	Unsolicited Proposal. Project which is initiated by a private contractor or developer. USP may be a PPP or traditional, FIDIC-based, as it refers to a mode of procurement where the Beneficiary government has not initiated the Project development but is the recipient of the Project. May be referred to as Privately Initiated Project in some legislations.
<b>V</b>	
<b>VGF</b>	Viability Gap Funding
<b>W</b>	
<b>Work(s)</b>	Work(s) refer to the goods and services that are typically procured for the realisation of infrastructure projects, such as design, construction, commissioning, operations, or maintenance of Public and Healthcare infrastructure assets. This Framework Agreement is not eligible for procuring Works.

# 1. INTRODUCTION

This is the Selection Document for the Restricted European Tender procedure 'Consultancy for Infrastructure Project Preparation'. This Selection Document describes the Tender Procedure to be followed.

## 1.1 INVEST INTERNATIONAL

Invest International Public Programmes B.V. – hereafter the 'Contracting Authority' – is a subsidiary of Invest International B.V. The majority of Invest International B.V. is owned by the State of the Netherlands. Invest International Public Programmes B.V. is mandated by the Minister of Foreign Trade and Development Aid of the Netherlands to manage and implement its development aid programs D2B (Develop 2 Build) and DRIVE (Development-Related Infrastructure Investment Vehicle); these are government-to-government grant programs targeting support to publicly owned infrastructure Project development in 40 countries. The DRIVE and D2B programs are regulated by the respective policy rules (beleidsregels) published in the Staatscourant on January 2023 (namely DRIVE 2023 and D2B 2023 respectively).

Invest International invests in Dutch solutions for global challenges. It helps companies, governments and investors fund and develop impactful projects that contribute to the achievement of the SDGs (globally agreed Sustainable Development Goals).

The challenge of achieving the SDGs requires breakthroughs that take an entire sector or market segment to the next level. Innovative solutions at an early stage are often characterized by uncertainty and significant risk. Invest International provides Project development services and co-financing solutions with the aim of making these projects fundable and/or developing scalable innovative business models.

To achieve the United Nations SDGs, public and private interests coincide. For this reason, Invest International supports governments and companies with its activities. It offers them case-specific financing arrangements and Project development capacity. In addition, Invest International offers a range of capital solutions for companies and investment funds that contribute to realizing the SDGs with their international activities.

For governments in developing countries Invest International makes Dutch Government Funds intended for infrastructure projects accessible. Its ambition is to stimulate innovative solutions for global challenges and make the necessary investments feasible. Initially it focuses on five markets in which the Netherlands has much to offer: 1) Agri-food, 2) Climate & Energy, 3) Healthcare, 4) Industry and 5) Water & Infra. It carries out its projects in low- and middle-income countries, including Africa, India, Southeast Asia, and Latin America.

By the Authorization Act Establishment Invest International, dated July 14, 2021, the Minister of Finance is authorized on behalf of the State to establish the group of companies of Invest International. Invest International is the result of a cooperation between the Ministry of Foreign Trade and Development Cooperation, the Ministry of Finance on behalf of the State, FMO (Dutch Financing company for developing countries) and RVO (the Netherlands Enterprise Agency). The international financing schemes of RVO and the NL Business activities of FMO are housed in Invest International. Invest International is an Independent Contracting Authority. FMO and the Dutch State are the shareholders.

Invest International was incorporated in July 2021 and on 1 October 2021 Invest International opened its doors. A transfer of business has taken place from both the relevant parts of RVO and FMO. Currently Invest International has about 140 employees.

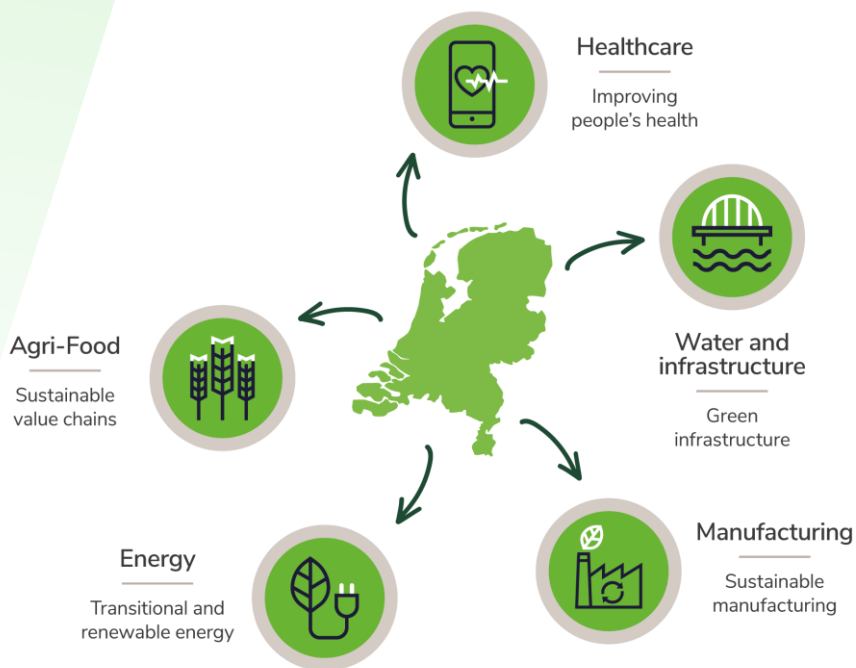
The 'holding' Invest International B.V. includes three subsidiaries:

- Invest International Public Programmes B.V.
- Invest International Development B.V.
- Invest International Capital B.V.

Together they are referred to as the 'Invest International group'. More information on Invest International can be found on [www.investinternational.nl](http://www.investinternational.nl)

# We invest in Dutch solutions for global challenges

Our impact themes in the five sectors in which the Netherlands has a lot to offer



## Our impact and ESG commitments

**SDGs:** Ensuring that two-thirds of our total committed portfolio contributes directly to SDG 8 (Decent Work and Economic Growth) and SDG 13 (Climate Action).

**Decent Work:** Creating decent jobs – with living wages, equality, and better employment conditions.

**Climate:** Realising a carbon-neutral portfolio, reducing our operational carbon footprint, and aligning with the Paris Climate Agreement.

**Human Rights:** Respecting human rights in our investments and operations in line with the UN Guiding Principles on Business and Human Rights (UNGP).

**Dutch Economy:** Ensuring (decent) jobs supported in the Netherlands and value addition to the Netherlands GDP.

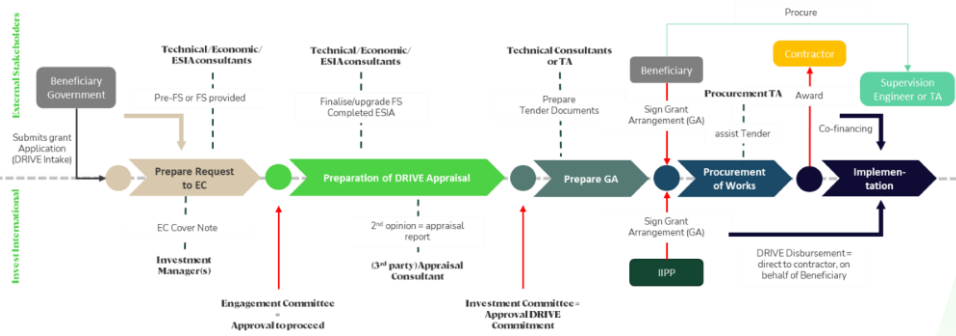
**ESG:** Supporting our clients with good ESG risk management practice, in line with IFC Performance Standards and OECD Guidelines.

## 1.2 DESCRIPTION OF THE ASSIGNMENT

The development of an infrastructure Project requires a wide range of preparatory studies, on basis of which organizations and governments can evaluate the relevance of the Project and the compliance with their requirements in terms of feasibility, sustainability, viability and compliance with environmental and social safeguards; for reference, Invest International requires the submission of ESIA for Project it funds and finances to be prepared according to IFC Performance Standards <sup>1</sup>(as per DRIVE policy rules). Both D2B and DRIVE are grant instruments which can be used to fund preparation studies as well as preparation of tender documentation (as DRIVE TA) for procurement of Works and services, while DRIVE is a funding instrument for Works itself and affiliated technical assistance. Projects funded by DRIVE shall comply with a set of requirements in terms of technical feasibility, economic and financial viability, institutional sustainability, additionality, and environmental and social management in conformity with the IFC Performance Standards. Moreover, DRIVE-funded projects are preferably procured through integrated contract models, in the form of a design and build, design, build and maintenance of design, build, finance and maintenance, and shall aim at promoting private sector involvement.

Under its current mandate, Invest International is developing its practice and understand of alternative procurement routes, with the primary objective to accelerate the implementation of impactful infrastructure projects. Under these new strategic directions, Project preparation studies which may be available when Beneficiary government apply for grant funding can often require complementary studies to fulfil the requirements of Invest International internal committees and, as case may be, partnering donors and financiers. For example, the Contracting Authority may require a new version of SCBA, the formulation of an additional technical solution that integrates a Nature Based Solution (Nbs), a project-specific cash flow model or the completion of an ESIA; such studies which would not require a complete restart of the pre-FS and FS phase but can be procured as a ring-fenced assignment by a 3rd party to bridge the required information gap.

Eventually, such services shall enable the Contracting Authority to obtain all necessary input to stimulate high quality preparation of a Project with the core objective to make it eventually eligible for DRIVE funding, but also to streamline its internal process in preparing a DRIVE Appraisal. A DRIVE Appraisal is an internal document compiling the recommendation of investment managers (IM) to Invest International's Investment Committee (IC) which independently approves investments and commitment of Invest International's instruments (which include public programs but also debt financing products, which can be combined to offer 100% financing solutions to Beneficiary governments). A DRIVE Appraisal is primarily based on the result of consulting studies, but also require an independent review by a 3rd party appraiser to give unbiased opinion on the project's rationality and eligibility for DRIVE. Eligibility is related, among other requirements, to relevance for development, additionality (non-commercial viability), technical sustainability, economic viability, financial sustainability, consistency with Beneficiary government's policies, program and priorities or value for money. The following illustration summarises the DRIVE grant evaluation and approval process and which stakeholders are involved:



<sup>1</sup> [Performance Standards \(ifc.org\)](http://PerformanceStandards.ifc.org)

*Note: the above procedure applies equally for traditional, FIDIC-based procurement as well as PPP-based procurement, although the nature of input documentation and tender process for Works may differ per Project*

Finally, in some cases the Contracting Authority may seek to obtain particular expertise to support the implementation of its strategic ambitions or address some operational resources constraints, for which the Contracting Authority may contract specialized Consulting Services at its own costs.

To fulfil these objectives, the Contracting Authority is publishing this Framework Agreement for Consulting Services for public and healthcare infrastructure (hereafter the Framework Agreement) to empanel a range of qualified consulting firms or Consortia. The Framework Agreement focuses on studies and services in the core sectors<sup>2</sup> of Invest International. The Framework Agreement covers Project preparation services, which have the wider scope in the Framework Agreement and may be deployed at any stage of the DRIVE application and implementation process and appraisal and review services, mainly contracted in relation to the contracting authority's internal DRIVE appraisal process for submission to the Investment Committee for approval to enter into a Grant Agreement with Beneficiary governments.

Candidates are encouraged to familiarize themselves with the current DRIVE policy rules as published in January 2023, available at the following link:

[Staatscourant 2023, 35 | Overheid.nl > Officiële bekendmakingen \(officielebekendmakingen.nl\)](#)

Gewijzigde veldcode

For sake of clarity, the Contracting Authority is not automatically procuring Consulting Services for each Project, which shall first and foremost be procured and contracted by the Beneficiary. In some cases, however, Beneficiaries may request that the Contracting Authority performs the procurement of studies for resources constraints, speed, or particular circumstances; this Framework Agreement is to be used in such circumstances where the Contracting Authority is the procuring entity on behalf of the Beneficiary's administration. The Contracting Authority is then the contractual counterpart, typically (but not automatically – in the case of a DRIVE TA contribution for example) operating under the provision of a Grant Arrangement (GA) with the Beneficiary.

This Framework Agreement is not intended to procure detailed design and engineering contracts, which are typically large amounts and shall remain the responsibility of the Beneficiary government to procure (with or without funding from DRIVE). Under the Framework Agreement, empanelled Contractors will be solicited for individual Call Off Contracts, on basis of Tender Documents which includes the TOR, Tender Guide, and prescribed forms. The Tender Documents will describe the underlying Project and the objective of the services to be procured under a Call Off Contract.

The following services are excluded from the Framework Agreement:

- **Detailed Design:** the policy of the Contracting Authority and DRIVE is to limit, to the extent possible, the use of FIDIC Redbook and promote integrated contract models (FIDIC yellow/silver, PBC or DBFM(O)), ultimately to also limit Invest International's liability in relation to Detailed Design. In the case that a Project supported by Invest International requires a Detailed Design separately from the Works, such contract will be procured individually by the Beneficiary government (with or without the Contracting Authority funding, as case may be). Note that a firm empanelled in this Framework Agreement will **not** be precluded from bidding for a separate Detailed Design contract related to the same underlying Project, subject to clearance of any common conflict of interest situations.
- **Construction Supervision contracts:** Supervision of implementation of Works is taking place after a Works contract award for controlling compliance of a contractor with the employers' requirements or specifications. Same applies for supervision consultants in case of PPP contracts. Such services will be procured specifically with each Project by the Beneficiary government. The cost may in some cases be covered by DRIVE TA, depending on the conditions negotiated in a GA.
- **Appraisal and Review of ESIA studies,** unless circumstances dictate as they are performed by Invest International own internal IESG Department, duly mandated to prepare independent opinions and recommendations to the EC and IC.
- **Ex Post Evaluations:** The Contracting Authority may from time-to-time conduct evaluations following implementation of Works. However, this type of Assignment does not have a predictable timing and are typically funded outside our grant programs.

<sup>2</sup> <https://investinternational.nl/sectors/>

- **Mono-disciplinary consultancy advice assignments till € 150,000:** Assignments till € 150,000 for which specific (Technical, Financial/Economic, Impact and Environmental & Social Studies and, Procurement) expertise is required.

The (Call off) Contracts will be awarded to the Contractor with the Economically Most Advantageous Tender (EMAT). This is determined based on the best price/quality ratio.

In the Award Phase, the selected Candidates agree to the Program of Requirements. The Proposals received in response to the Request for Proposal (RFP) under the Call Off Contract will be assessed based on the following quality criteria (in order of priority: the upper criterion carries the most weight and the lower criterion the lightest):

1. Relevant knowledge based on CVs and including description of the project team/experts.
2. Technical Proposal, including approach, methodology and planning.
3. Price: In each Request for Proposal, the Award Criteria will be described and given a weighting.

### 1.3 LOTS

This Tender is divided into two (2) lots:

1. Public Infrastructure which groups water, coastal & marine, logistics, renewable energy, other utilities, and agri-food / agriculture.

The inclusion of agri-food / agriculture comes from the fact that typical projects funded by DRIVE in this sub-sector would relate to logistics facilities (e.g. cold storage of processing centre) or irrigation systems, therefore the expectation is that the same set of engineering expertise (with potentially complementary expertise on a case-by-case basis) as for other infrastructure sub-sectors will be relevant; agriculture today represents a marginal share of the portfolio, although the ambition of the Contracting Authority remains to expand in this area.

The central element for eligibility of a sub-sector revolves around the link of the underlying Project with the priorities of Invest International, where a Project should show, and impact related to SDG 8 and SDG 13<sup>3</sup>.

This lot has an estimated total contract value of max EUR 15,000,000 based on a contract period of 4 years.

2. Healthcare Infrastructure is focused on service and operations of medical facilities, specialised medical technologies and medical protocols expertise.

This lot has an estimated total contract value of max EUR 3,000,000 based on a contract period of 4 years.

For both lots, the following expertise is needed.

1. Integrated Project Management
2. Technical Studies
3. Financial & Economic Studies
4. Impact and Environmental & Social Studies
5. Procurement Expertise (applicable for PPP or non-PPP/FIDIC)

The content information per expertise is described in the TOR (Appendix 8).

## 1.4 THE FRAMEWORK AGREEMENT

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The Contracting Authority wishes to conclude a Framework Agreement on behalf of Invest International Public Programs B.V with maximum:

- Five (5) Contractors for lot 1 (Public Infrastructure).
- Three (3) Contractors for lot 2 (Healthcare Infrastructure).

The Framework agreements have an initial term of three (3) years, with the optional possibility of extending the Framework agreements one (1) time by one (1) year. The Framework agreements therefore has a maximum term of four (4) years. The starting date of the Agreement is currently 15 November 2023.

## 1.5 NON-EXCLUSIVITY

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While the Contracting Authority intends to use this Framework Agreement in priority, to streamline and accelerate the procurement of Consulting Services for Beneficiaries and for internal support, circumstances may require an individual, separate procurement for similar services. This can be due to requirements of local procurement regulations or in the case where panel members cannot or cannot sufficiently fulfil the needs of a Beneficiary (e.g. country of assignment, particular security issues, requirement for local ownership or specific licenses, mandatory requirement of local input, etc.), or in a situation in which more specialized knowledge and skills are required due to a specific nature and scope of a further contract, or situations in which there may be an overlap with the scope of another (already) existing Framework Agreement.

In such cases, the Contracting Authority reserves the right to procure services outside the Framework Agreement. Contracts to be awarded outside the Framework must be assessed on their own merits and tendered in accordance with laws, regulations and, where applicable, our procurement policy.

Empanelled led Contractors or Consortium Members will in principle not be precluded from bidding for such contracts purely on basis of being part of the Framework; eligibility remains subject to requirements of other stakeholders or conflict of interest which are outside the control of IIPP.

## 1.6 MONITORING THE FRAMEWORK AGREEMENT

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During the execution of the Framework Agreement, it will be monitored whether the contractual agreements are met, and performance will be monitored. To monitor these contractual agreements and to assess performance, a monitoring tool can be used. This tool can be compared to a traffic light report, a dashboard or something similar.

## 2. SOCIALLY RESPONSIBLE PROCUREMENT

Socially Responsible Procurement is an effective tool to help reduce CO<sub>2</sub> emissions, environmental impact, and resource use, to achieve an inclusive labor market and to stimulate innovative business activity. By directing its procurement towards social goals, the Contracting Authority contributes to a social, ecological, economic, sustainable, and inclusive society. In this, the implementation of the 3Ps (Planet, People and Prosperity) is central.

The main Sustainable Development Goals for which Invest International stands are:

- Fair Work and economic growth (SDG 8)
- Climate action (SDG 13)

In addition, through specific projects in developing countries, attention is paid to:

- No poverty (SDG 1)
- No hunger (SDG 2)
- Good health and well-being (SDG 3)
- Clean water and sanitation (SDG 6)
- Industry, Innovation, and Infrastructure (SDG 9)
- Accountable consumption and production (SDG 12)

By focusing on Socially Responsible Procurement in the tendering process, Invest International contributes both to realizing and where possible accelerating the social objectives of the Contracting Authority and to making the Supplier's business operations more sustainable.

To achieve the objectives, set out in this chapter, more is required than simply applying sustainability criteria in the tendering process. It is also about the choices in the primary processes that are translated into the services to be purchased.

The Contracting Authority hereby calls upon the Contractor to perform the Call Off contracts as sustainable as possible.

## 3. SELECTION PROCEDURE

This section describes the procedure that the Candidate will go through to participate in this Selection Procedure.

### 3.1 EXECUTING THE SELECTION PROCEDURE

This European Public Restricted Procedure is conducted based on the Dutch Public Procurement Act 2012.

### 3.2 TENDER PLATFORM

This tendering procedure will be conducted digitally and online through the TenderNed tendering platform. Various manuals are available on TenderNed. For questions relating exclusively to the functionality or technology of TenderNed, you can contact the TenderNed Service Desk on Working days from 08.30 to 18.00 hours via 0800-TenderNed (0800-8363376) or servicedesk@TenderNed.nl.

### 3.3 E-RECOGNITION

For every TenderNed user it is mandatory to log in and register with eRecognition. For this eRecognition tool a minimum of reliability level 2 is required. The Candidate is responsible for eRecognition. The consequences of not having eRecognition (in time) are for the Candidate. For more information see: <https://www.tenderned.nl/cms/voor-ondernemingen/registreren-en-erkenning>.

### 3.4 TIME SCHEDULE

The indicative time schedule for this procedure is given below. The Contracting Authority reserves the right to adjust this time schedule during the tendering procedure. Should this be the case, this will be announced and updated on the TenderNed Platform.

Phase 1: Selection Phase

Process steps	Date
Publishing of Selection Documents	29 June 2023
First closing date for submitting questions	12 July 2023
Target date for the issuance of the Memorandum of Information	27 July 2023
Closing date for submitting Request for Participation	13 September, 12:00 hours A.M.
Send Selection Decision	28 September 2023
Verification meeting	2 – 6 October 2023
Expiry of objection term	19 October 2023

Preliminary planning phase 2: Award phase<sup>4</sup>

Process steps	Date
Publishing of Award Guide	19 October 2023
First closing date for submitting questions	26 October 2023
Target date for the issuance of the Memorandum of Information	28 October 2023
Closing date for submitting Proposals	30 October 2023 12.00 hours A.M.
Send Final award	6 November 2023
Contracting	6 November 2023
Start Contract	15 November 2023

### 3.5 COMMUNICATION

Communication regarding this tendering procedure will take place via TenderNed ([www.TenderNed.nl](http://www.TenderNed.nl)), unless explicitly stated otherwise in these Tender Guidelines.

The Candidate is responsible for consulting published documents and messages received via TenderNed (or the message inbox) on time. The Candidate is also responsible for setting its personal settings for, among other things, automatic notifications to its own e-mail address and for keeping the right people informed of the messages/documents sent/published by the Contracting Authority about the tendering procedure via TenderNed.

It is expressly forbidden, unless arrangements to this effect have been made explicitly and with the permission of the Contracting Authority, on penalty of exclusion, to contact any employees of the Contracting Authority or any other organization connected to this tendering procedure other than the contact person below and/or his deputy about this tendering procedure:

<b>Contact person</b>	Angela van der Sluijs
<b>Second contact person</b>	Ilona van der Kaay
<b>Department</b>	Procurement
<b>Telephone number</b>	+31 (0)6 – 31675906
<b>Address</b>	Bezuidenhoutseweg 12, 2594 AV Den Haag

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<sup>4</sup> The Contracting Authority deliberately opted for a shorter lead time for the Award Phase than required by the Procurement Act 2012. The reason for this is proportionality. The focus of this Tender is on the Selection Phase and the timeframe for this is much wider than prescribed in the Procurement Act 2012. Since only a few requirements need to be approved in the Award Phase, the deadline for this has been made appropriate.

### 3.6 QUESTIONS IN RESPONSE TO THE TENDER INSTRUCTIONS

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If you have any questions and/or comments in connection with the Selection Document including Appendices, the Suitability Requirements, Selection Criteria, the concept Framework Agreement, the concept Call Off Contract, the concept Non-Disclosure Agreement or the other Tender Documents as published on TenderNed, you must submit them no later than the date and time stated in the time schedule.

Candidates may also ask individual questions, for example if business-sensitive information is involved that is not supposed to be disclosed in the Memorandum of Information. Individual questions may be rejected by the Contracting Authority. If the question is rejected, the Candidate will receive a substantiation thereof.

The Contracting Authority request Candidates to ask the questions at the earliest possible stage. The Contracting Authority has the possibility to release answers to the questions already before the publication of the Memorandum of Information.

### 3.7 MEMORANDUM OF INFORMATION

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All questions will be recorded anonymously and answered by the Contracting Authority in one or more Memorandum(s) of Information. The Memorandum of Information will be published via TenderNed at the latest on the date stated in the time schedule of the Tender Guidelines. Questions will be visible to all parties involved from the time of publication, except for individual questions.

The Contracting Authority assumes that there are no uncertainties regarding the parts for which no questions have been asked. The responsibility for the timely and correct request of further information lies with the interested market parties. The Memorandum of Information forms an integral part of the Tender Documents.

For questions relating exclusively to the functionality or technology of TenderNed, the TenderNed Service Desk can be contacted. These questions will not be included in the Tender Documents.

### 3.8 RANKING IN CASE OF INCONSISTENCIES

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In the event of inconsistencies between the various Tender Documents forming part of the Tender Documents, the following ranking will apply, with the higher document listed taking precedence over the lower one:

- a. Memorandum of Information
- b. Selection Document with Appendices
- c. Request for Participation

If there are several Memoranda of Information, the provisions of the most recent Memorandum of Information will prevail in the event of inconsistencies between the Memoranda of Information.

### 3.9 COMPLAINTS

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In addition to the possibility for Candidates to submit written questions or requests for information through the Memorandum of Information, the Complaints procedure (Appendix 10) may be used.

### 3.10 METHOD OF SUBMITTING THE REQUEST FOR PARTICIPATION

The Contracting Authority requires the Candidate to provide the information requested in the Suitability Requirements and Selection Criteria on TenderNed. In addition to providing an answer, this may also involve uploading (several) documents. It is important that all Suitability Requirements and Selection Criteria are answered in the manner requested, either in the form of a document or by clicking on the correct answer. If an answer or document is missing, the Request for Participation is incomplete and may be rejected on that basis. Any information not requested but submitted will not be considered by the Assessment Committee.

#### 3.10.1 DOCUMENTS TO BE SUBMITTED

The Candidate must submit the following documents with his Request for Participation:

1. European Single Procurement Document (ESPD), signed by an authorized person (Appendix 1)
2. Holding statement (Suitability Requirements: Appendix 2)
3. Format references (Appendices 4a – 4e)
4. Description staff resources (Selection Criteria: Appendix 3)
5. Description network resources (Selection Criteria: Appendix 3)
6. Description technical equipment (Selection Criteria: Appendix 3)
7. Description rationale of your organization (Selection Criteria: Appendix 3)
8. Registration National Professional or Trade Register (Suitability Requirements: Appendix 2)

#### 3.10.2 CLOSING DATE FOR SUBMITTING REQUESTS FOR PARTICIPATION

Only Requests for Participation submitted via TenderNed will be accepted. Requests for Participation must be submitted in the correct manner and before the date and time stated in the schedule. It will not be possible to submit Requests for Participation after this time. The responsibility for timely submission of a correct Requests for Participation at TenderNed always lies with the Candidate.

After the expiry of the deadline for submitting Requests for Participation, these will be opened at TenderNed. This opening is not public.

### 3.11 DOCUMENTS OF EVIDENCE

The Candidate(s) to must submit the following evidence within seven (7) calendar days:

- **Declaration of Conduct for Tendering (in Dutch: gedragsverklaring aanbesteden (GvA))<sup>5</sup>**  
The GvA may not be older than two years before the date of the submission of the Request for Participation. When submit with a Consortium, each Consortium Member must be able to submit this evidence. A GvA can be requested from Justis, part of the Ministry of Security and Justice (<https://www.justis.nl/producten/gva>).

<sup>5</sup> The Contracting Authority also accepts information and documents from another Member State which serve an equivalent purpose or from which it is apparent that the ground for exclusion referred to in Article 2.86 or Article 2.87 Procurement Act, does not apply to the Contractor.

- **Tax authority statements**

A statement from the Tax Authorities, not older than six months at the time of submission, demonstrating that the Candidate has fulfilled its obligations under the legal provisions applicable to it with respect to payment of social security contributions or taxes. When submitting with a Consortium, each Consortium Member must be able to submit this evidence.

- A copy of the balance sheet from the annual accounts for the past financial year (Positive equity) (Suitability Requirements: Appendix 2).
- A copy of the profit and loss account of the past three (3) financial years (Profitability) (Suitability Requirements: Appendix 2).
- Copy certificate ISO 9001:2015 (management) (Suitability Requirements: Appendix 2).
- Copy certificate ISO 27001:2013 (information security) (Suitability Requirements: Appendix 2).
- Sustainability or ESG Policy (Suitability Requirements: Appendix 2).
- KYC-Information (Appendix 6) (more information in Appendix 2). After this, Candidate submits necessary documents for the full KYC check.
- Filled in Self-assessment form Sustainability Code of Conduct (Appendix 7a) (Suitability Requirements: Appendix 2).
- **Evidence of client satisfaction reference-projects**  
Letter of proof regarding client satisfaction for every submitted reference-project (Selection criteria part IV ESPD: Appendix 3).

If it transpires that the Candidate is unable, for whatever reason, to submit the requested documentary evidence, the Candidate will be excluded from the further Tender procedure after all.

### 3.12 EUROPEAN SINGLE PROCUREMENT DOCUMENT (ESPD)

The European Commission has drawn up a European Single Procurement Document (ESPD). The Candidate must complete this for this Selection Procedure. The ESPD has been added as a separate document (Appendix 1) to the Selection Document in TenderNed.

By means of the USPD, the Candidate declares whether the grounds for exclusion apply to it and whether it meets the requirements for suitability stated in the Appendix 1.

The answers to some questions are generated automatically. It remains the responsibility of the Candidate to ensure that the document is completed truthfully.

Opening the ESPD in programs other than Adobe Reader may lead to problems. Candidate is therefore strongly advised to open the ESPD in Adobe Reader. If this does not work, Candidate can print the ESPD and fill it in by hand. Any consequences (e.g., incorrect display) of opening the ESPD in other applications or programs are for the Candidate.

## 4. REQUIREMENTS FOR PARTICIPATION

This chapter explains the requirements and obligations imposed on the Candidate.

### 4.1 EUROPEAN SINGLE PROCUREMENT DOCUMENT (ESPD)

The Candidate must submit a fully completed and legally signed ESPD (Appendix 1) with his Request for Participation. In case of a Consortium, the fully completed and duly signed ESPD of each participant in the Consortium must be submitted with the Request for Proposal. Failure to do so may result in exclusion from the Tender procedure.

### 4.2 (SUB)CONTRACTING AND CONSORTIUM

Candidates can register for this Tender in two ways.

1. A Candidate can register independently. This individual Candidate will, if an Agreement is concluded with it, be the Contracting Authority's (sole) contractual partner.
2. Two or more Firms may jointly tender as a Consortium with a designated lead firm. The Consortium may tender for one or more lots, whereby all the Consortium members participating in the Consortium become contracting partners of the Contracting Authority and assume joint and several liability. A Consortium is deemed to be one Candidate. The Consortium must jointly submit the requested information and meet the requirements set for the assessment of suitability in accordance with this Selection Document. The Consortium must select one participant to send the invoices to the Contracting Authority. The ESPD shows which Consortium Members will be used for which activities for the Assignments under this Framework Agreement

#### Reliance on the capacity of other entities

Candidates who rely on the capacity of other entities (Subcontractors) to satisfy the selection criteria from Part IV (Suitability Requirements) must fill in 'yes' at Part C in the ESPD. This concerns, for example, financial and economic capacity, but also, for example, technical capacity, professional competence, or the possession of certificates. The Candidate shall state the specific capacity it requires for each of the entities (Subcontractors) involved. Each of the entities (Subcontractors) involved fills out a separate ESPD form.

#### Main Contractor

If you act as main Contractor and state specific Subcontractor(s) in your Request for Participation, you will be bound, upon award, to engage in cooperation with the mentioned Subcontractor(s) in accordance with the provisions of the Tender (Selection, Award Phase and Call Off contracts).

As the main Contractor, you bear full responsibility for the activities of your Subcontractor(s). You will oversee communication on behalf of and to the Subcontractor(s). Invoicing of subcontracted services will be done by the main Contractor. The Candidate shall state the specific Subcontractor(s) and their activities involved as far as they are known in the ESPD.

### 4.3 DEPENDENCY RELATIONSHIP

Candidates who are related to each other by a relationship (group relationship), may participate in this Selection Procedure on the express condition that they participate as competitors and in doing so they can demonstrate that the relationship between them, or their bidding behavior in the context of this Selection Procedure has not affected or impeded fair competition.

Candidates will be qualified as distinct from each other only if each of the Candidates concerned can demonstrate that, for their Request for Participation, the following cumulative requirements have been met:

1. The Candidate has prepared its Request for Participation independently and independently from vis-à-vis its affiliates.
2. The Candidate has fully respected fair competition in doing so.
3. The Candidate has observed confidentiality in doing so.

By submitting and signing the USPD, the Candidate expressly declares its compliance with these requirements and Candidate shall comply with these requirements throughout the performance of the whole Tender Procedure.

Candidate shall, at the first written request of the Contracting Authority, provide further information and/or evidence based on which it becomes plausible that the Candidate has not violated the above requirements.

If the Candidate act contrary to the above requirements, this will be considered by the Contracting Authority as a distortion of competition, as referred to in part III sub-C of the USPD, and therefore the Candidate will be excluded from further participation in the Selection Procedure.

### 4.4 BREACH OF FUNDAMENTAL PRINCIPLE OF THE PROCUREMENT ACT AND FAIR COMPETITION

Any Candidate whose actions violate a fundamental principle of the Procurement Act 2012 and where this violation has resulted or could have resulted to restrict fair competition, shall be excluded from the Selection Procurement procedure. Such a violation exists:

- In case of acts or omissions as referred to in Sections 2.86 and 2.87 of the Procurement Act, or
- if the cumulative requirements referred to in 4.3 have not been met, or,
- if a non-realistic Request for Participation is submitted or non-realistic Proposals will be submitted.
- In case the violation or restriction of fair competition does not manifest itself until reveals itself after sending the announcement of the award decision has been sent to all Contractors.

Before the Contracting Authority decides to exclude a Candidate for that reason, the Contracting Authority informs the relevant Candidate of its intention, after which the Candidate is given the opportunity to demonstrate to the Contracting Authority that there has been no violation of a fundamental principle of the Procurement Act or a restriction of fair competition. By submitting a Request for Participation, the Candidate declares that it is aware that violating a fundamental principle of the Procurement Act may have the above consequences. The Contracting Authority may violate the fundamental principles of the Procurement Act or restrict fair competition by all the means at its disposal. An irrevocable (court) decision is not a necessary requirement for this.

### 4.5 SIGNATURE ON REQUEST FOR PARTICIPATION

When submitting a Request for Participation, all documents which require a signature must be signed by an authorized director (natural person) or an authorized representative of the Candidate. The director must be listed as such in the trade register of the Chamber of Commerce.

#### 4.6 RESERVATIONS

- a. The Suitability Requirements and Selection Criteria in this Selection Document are based on the current and future situation at the Contracting Authority known at this time. Candidates cannot derive any rights from the numbers, solutions or specifications stated in this document, nor can they derive any rights from the time schedule as stated on the tendering platform. These serve only as an indication of the services and as a basis for comparison between various Candidates.
- b. The solutions requested in this document are based on the technology known and available at the time of writing. available technology at the time of writing. Developments in technology or in the market can be a reason for the Contracting Authority to demand from the Candidate that at the moment of delivery of the performance the then current standards and performances are met.
- c. The Contracting Authority reserves the right to halt the Selection Procedure temporarily or permanently. Regarding this risk of progress in the Selection Procedure, the Contracting Authority - for as long as the Selection Decision has not yet been formally awarded - cannot be held liable. Candidates cannot derive any rights from this, nor is the Contracting Authority liable in any way whatsoever towards the Candidate for damages. Candidate is aware of this and accepts the fact that it is participating in this Selection Procedure entirely at its own expense and risk.

#### 4.7 CONFIDENTIAL COPYRIGHT AND CONFIDENTIALITY OF THE CONTRACTING AUTHORITY

The Candidate may only use the information which the Contracting Authority makes available to it in connection with this Selection Document for the purpose for which it was provided. The Candidate shall treat data confidentially and shall not disclose such data to third parties. The Contracting Authority will treat the Request for Participation confidentially. It will only be shown to employees who are directly involved in the Selection Procedure. Correspondence and the received Request for Participation will not be returned afterwards. Publicity regarding this Project, both during the Selection Procedure and after the Award Decision, is only permitted with the Contracting Authority's written consent.

#### 4.8 ACTING WITH INSIDE INFORMATION AND OR CONFLICTS OF INTEREST

A Candidate is excluded from the further Tender Procedure if acting with inside information or conflicts of interest have affected the level playing field. The Contracting Authority reserves the right to exclude a Candidate if it appears that:

- Candidate and/or Subcontractor/Consortium Member is involved as an advisor for the Request for Participation itself and has previously performed Work or services in preparation of the present Selection Procedure or is or has been involved in any other way, directly or indirectly, in the preparation of the Selection Procedure.
- If the Contracting Authority suspects that he has inside information.

Prior to exclusion, the Contracting Authority shall give the Candidate the opportunity to rebut the suspicion of inside information to the satisfaction of the Contracting Authority and to demonstrate that fair competition and the level playing field are not harmed by the (previous) involvement of the Candidate.

#### 4.9 CONTRADICTIONS

This Selection Document and all accompanying Appendices have been prepared with due care. Nevertheless, these Selection Documents may contain ambiguities, inadequacies and/or contradictions. The Contracting Authority expects a proactive attitude from the Candidate, which means that the Candidate will report any lack of clarity in the Selection Documents to the Contracting Authority at the earliest opportunity, giving reasons, and at a time when this lack of clarity can still be rectified, i.e., by asking questions intended for the Memorandum of Information.

After expiry of the deadline for submission of the Request for Participation, the Candidate can no longer object to any lack of clarity in the Selection Documents. Consequently, the Candidate loses its right to raise objections after the Selection Procedure against any violations of law, including the consequences thereof, insofar as these are referred to in the Selection Documents, and the Candidate is deemed to unconditionally consent to the contents of the Selection Documents. The Contracting Authority will then in no way be liable for the consequences of any ambiguities in the Selection Documents. These will be at the risk of the Candidate.

#### 4.10 REGULATIONS OF THE SELECTION

By submitting a Request for Participation, the Candidate unconditionally complies with the following regulations:

- a. The Request for Participation and any correspondence must be written in English. Further communication of the Selection and Award Procedure is in English as well. The Contracting Authority uses this language requirement as a minimum requirement when assessing the Request for Participation.
- b. The Request for Participation is free of charge for the Contracting Authority. In the pre-contractual phase, the Candidate shall bear its own costs. If no Agreement has been reached and a written Agreement signed by both parties has not been drawn up, the Contracting Authority is not bound in any way whatsoever and there is no obligation to compensate for any damage or costs whatsoever.
- c. Candidate agrees that the Contracting Authority reserves the right to ask to provide official proof at a later stage. If these proofs do not correspond with the statements in the Request for Participation, the Candidate will be excluded from the further Tender procedure without being entitled to compensation of any cost whatsoever.
- d. The Request for Participation has been submitted in accordance with the instructions included in paragraph 3.10 of this Selection Document.
- e. Candidate is familiar with and agrees to the evaluation and assessment methodology used by the Contracting Authority.
- f. All details submitted by the Candidate have been filled in truthfully and can be deemed to be true.

If the Candidate act contrary to the above regulations, the Candidate will be excluded from further participation in the Selection Procedure.

##### Applicable for Consortia:

- g. Candidates can apply to both lots in parallel.
- h. A Consortium Member can apply as lead firm for both lots or as lead firm in a given lot and as a Consortium Member in the other lot.
- i. A Consortium Member can apply to different lead firms in each separate lot. Consortium Members are not tied to a single lead firm for separate lot applications.
- j. A Consortium Member can only apply as lead firm or Consortium Member once in a single Lot.

If the Candidate act contrary to the above regulations g to k, this will be considered by the Contracting Authority as distortion of competition, as referred to in part III sub C of the USPD, and therefore the Candidate will be excluded from further participation in the Selection Procedure.

#### 4.11 SUBMITTED DOCUMENTS

All documentation submitted by the Candidate as part of the Request for Participation will become the property of the Contracting Authority and will not be returned but will be treated and stored confidentially. It will be destroyed after the expiry of the legal retention period. The Contracting Authority will treat as confidential information originating from the Candidate of which it knows, or can reasonably be expected to know, that it is confidential and will in any case consider the legitimate (business) interests of the Candidate.

## 5. ASSESSMENT PROCEDURE

This chapter describes the assessment process for the Requests for Participation submitted for this Selection Procedure. The Assessment Procedure consists of the following phases:

- Phase 1: Verification of completeness and validity
- Phase 2: Grounds for exclusion and Suitability Requirements
- Phase 3: Assessment of the Selection Criteria
- Phase 4: Objection period

The Contracting Authority reserves the right to request a further explanation of the Request for Participation submitted by the Candidate at any time if it deems this necessary.

### 5.1 PHASE 1 – VERIFICATION OF COMPLETENESS AND VALIDITY

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The procurement advisor will verify that all documents accompanying the Request for Participation have been submitted in accordance with the applicable terms and conditions and general provisions. An incomplete response may lead to exclusion. Submitting a conditional Request for Participation results in exclusion from the further tendering procedure.

### 5.2 PHASE 2 – GROUNDS FOR EXCLUSION AND SUITABILITY REQUIREMENTS

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The procurement advisor checks whether the grounds for exclusion apply to the Candidate and whether the Candidate meets the Suitability Requirements. If the grounds for exclusion apply to the Candidate or if the Candidate does not meet the Requirements for Suitability, the Contracting Authority is entitled to exclude the Candidate from the further tendering procedure.

### 5.3 PHASE 3 – ASSESSMENT OF THE SELECTION CRITERIA

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When the Candidate has successfully completed Phase 2, his response to the formulated Selection Criteria will be assessed.

The following Selection Criteria will be used to determine which Candidates have will be selected for the Award Phase. The Candidate will demonstrate its added value and distinctive character on these Selection Criteria.

**Lot 1: Public Infrastructure**

Selection Criteria		Max. number of points to be gained	Further explained in paragraph
Competences/References	Quantitative assessment	300 Points	5.3.1
	Qualitative assessment	250 points	5.3.1
Staff resources		100 Points	5.3.2
Network resources		100 Points	5.3.3
Technical equipment		50 Points	5.3.4
Rationale of your organisation		200 Points	5.3.5
<b>Total</b>		<b>1,000 points</b>	

**Lot 2: Healthcare Infrastructure**

Selection Criteria		Max. number of points to be gained	Further explained in paragraph
Competences/references	Quantitative assessment	180 points	5.3.1
	Qualitative assessment	150 points	5.3.1
Staff resources		60 Points	5.3.2
Network resources		60 Points	5.3.3
Technical equipment		30 Points	5.3.4
Rationale of your organisation		120 Points	5.3.5
<b>Total</b>		<b>600 points</b>	

For the assessment of the Selection Criteria, except for the quantitative assessment of the competences/references, the following scale will be used.

Score	Explanation of Rating	Percentage of the max. points to be gained
Excellent	In the opinion of the assessors, the Candidate has provided an excellent substantively relevant, concrete, and applicable answer to the elements related to the content of the TOR. The method of fulfilment has been excellently demonstrated in the Request for Participation. It is distinctive, innovative and offers considerable added value to the Contracting Authority.	100%
Good	In the Assessors' opinion, the Candidate has provided a good substantively relevant, concrete, and applicable response to the elements related to the content of the TOR. The manner of fulfilment has been well demonstrated. In parts, the Request for Participation is distinctive and/or innovative and offers some added value.	80%
Satisfactory	In the Assessors' opinion, the Candidate has provided a sufficiently substantively relevant and appropriate response to the elements related to the content of the TOR. The method of fulfilment has been sufficiently demonstrated.	60%
Poor	In the Assessors' opinion, the Candidate has not provided a sufficiently substantive and appropriate response to the elements related to the content of the TOR. The method of fulfilment has not been sufficiently demonstrated.	Will be put aside

The table above shows how the quality added value can be achieved in percentages. For example, if a Selection Criterion is assessed as 'good', 80% of the maximum number of points to be awarded will be allocated to this criterion. Formula example:

Selection criterion x:	Maximum number of points to be awarded x 80% = points obtained
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### 5.3.1 COMPETENCES/REFERENCES

This Selection criterion is described in Appendix 3 'Selection Criteria Part IV ESPD', paragraph A1 and A2.

#### Assessment lot 1: Public Infrastructure

The competences/references will be assessed in two (2) different ways, the quantitative and the qualitative assessment.

##### Quantitative assessment

References core competences:

1. Integrated Project Management related to the preparation of public infrastructure projects, 5 references.
2. Technical Studies related to the preparation of public infrastructure projects, 5 references.
3. Financial & Economic Studies related to the preparation of public infrastructure projects, 5 references.
4. Impact and Environmental & Social Studies related to the preparation of public infrastructure projects, 5 references.
5. Procurement Expertise (applicable for PPP or non-PPP/FIDIC) related to the preparation of public infrastructure projects, 5 references.

A mix of twenty-five (25) references forms (Appendices 4a – 4e) must be submitted.

##### Score per reference:

Not a relevant core competence (1 – 5: see above)	0 points, and the reference will be put aside
Not a relevant sector (water, transport and waste, renewable energy or agri-food and agriculture)	0 points, and the reference will be put aside
In a country outside DRIVE list	+8 points
In a DRIVE country	+10 points
In a combination country	+12 points

heeft verwijderd: 5

Per reference, a maximum of 12 points can be scored.

For the quantitative assessment a maximum of 300 points ((5 X 5) X 12 points) can be scored.

Every reference template (Appendices 4a-4e) may consist of a maximum of two (2) pages A4. If the maximum number of pages is exceeded, only the first two (2) pages will be assessed.

### Qualitative assessment

To be able to assess if the Candidate has sufficient knowledge and experience to give the Contracting Authority confidence that Assignments will be carried out successfully under this Framework Agreement, the submitted references will be assessed integrally on the following criteria:

- The experience in leading and delivering fully integrated preparation studies.
- Experience of the consortium members in working together and successfully completing assignments.
- Geographical spread through the variety of countries where references are presented.
- The variety and complexity of the various core competencies applied.
- The variety of sectors of experience covered.
- Experience with ODA-financed projects.
- Experience with D2B/DRIVE TA funded projects.
- Experience with projects for which a NBS1 component was one of the technical alternatives analyzed or used.

### **Assessment lot 2: Healthcare Infrastructure**

The competences/references will be assessed in two (2) different ways, the quantitative and the qualitative assessment.

### Quantitative assessment

References core competences:

1. Integrated Project Management related to the preparation of healthcare infrastructure projects, 3 references.
2. Technical Studies related to the preparation of healthcare infrastructure projects, 3 references.
3. Financial & Economic Studies related to the preparation of healthcare infrastructure projects, 3 references.
4. Impact and Environmental & Social Studies related to the preparation of healthcare infrastructure projects, 3 references.
5. Procurement Expertise (applicable for PPP or non-PPP/FIDIC) related to the preparation of healthcare infrastructure projects, 3 references.

A mix of fifteen (15) references forms (Appendices 4a – 4d) must be submitted.

### **Score per Project reference:**

Not a relevant core competence (1 – 5: see above)	0 points, and the reference will be put aside
Not a relevant sector (healthcare)	0 points, and the reference will be put aside
In a country outside DRIVE list	+8 points
In a DRIVE country	+10 points
In a combination country	+12 points

Per reference, a maximum of 12 points can be scored.

For the quantitative assessment a maximum of 180 points ((3 X 5) X 12 points) can be scored.

Every reference template (Appendices 4a-4e) may consist of a maximum of two (2) pages A4. If the maximum number of pages is exceeded, only the first two (2) pages will be assessed.

**heeft verwijderd:** <#>Focus: The Contracting Authority will focus references on experience in preparation studies. If sufficient experience ¶ is demonstrated, the assumption is that such consortium shows the capabilities to provide expert opinion and appraisal on other studies; therefore, a reference specifically on review and appraisal is not particularly expected, unless judged relevant to demonstrate general experience in your submission.¶

### Qualitative assessment

To be able to assess if the Candidate has sufficient knowledge and experience to give the Contracting Authority confidence that Assignments will be carried out successfully under this Framework Agreement, the submitted references will be assessed integrally on the following criteria:

- The experience in leading and delivering fully integrated preparation studies.
- Experience of consortium members in working together and successfully completing assignments.
- Geographical spread through the variety of countries where references are presented.
- The variety and complexity of the various core competencies applied.
- The variety of sectors of experience covered.
- Experience with ODA-financed projects.
- Experience with D2B/DRIVE TA funded projects.
- Experience with projects for which a NBS<sup>1</sup> component was one of the technical alternatives analyzed or used.
- ~~Focus: The Contracting Authority will focus references on experience in preparation studies. If sufficient experience is demonstrated, the assumption is that such consortium shows the capabilities to provide expert opinion and appraisal on other studies; therefore, a reference specifically on review and appraisal is not particularly expected, unless judged relevant to demonstrate general experience in your submission.~~

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#### 5.3.2 STAFF RESOURCES

This Selection criterion is described in Appendix 3 'Selection Criteria Part IV ESPD', paragraph B1.

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#### 5.3.3 NETWORK RESOURCES

This Selection criterion is described in Appendix 3 'Selection Criteria Part IV ESPD', paragraph B2.

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#### 5.3.4 TECHNICAL EQUIPMENT

This Selection criterion is described in Appendix 3 'Selection Criteria Part IV ESPD', paragraph B3.

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#### 5.3.5 RATIONALE OF YOUR ORGANISATION

The Competences/references are described in Appendix 3 'Selection Criteria Part IV ESPD', 3B4.

The elaboration of Selection Criteria 5.3.2 till 5.3.5 may consist of a maximum of fifteen (15) pages A4, Arial 10 font. Any references to media will not be assessed. If the maximum number of fifteen (15) pages is exceeded, only the first fifteen (15) pages will be assessed.

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### 5.4 METHOD OF ASSESSMENT

The Contracting Authority has appointed an Assessment Committee for the evaluation of the Selection Criteria. The Assessment Committee consists of a minimum of 3 members.

The assessors will initially assign a score per Selection criterion individually.

After completing the individual assessments, the Assessment Committee will determine the final score per Request for Participation, per Selection criterion, based on consensus.

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### 5.5 HOW ARE THE WINNING CANDIDATES DETERMINED?

Adding up the scores of all the Selection Criteria will result in a total score.

Lot 1 (Public Infrastructure): The five (5) Candidates with the highest score will be invited for the Award Phase.

Lot 2 (Healthcare Infrastructure): The three (3) Candidates with the highest score will be invited for the Award Phase.

Note: If for a certain lot only one (1) Request for Participation has been received, the Contracting Authority reserves the right not to invite this Candidate for the Award Phase and to withdraw the Tender for this lot.

Of the Requests for Participation where the total score is the same after the assessment, the Request for Participation with the highest score for the Selection Criterion 'quantitative assessment of the competences/references' will be ranked as the highest of those equally ended Requests for Participation. If the score for the Selection Criterion 'quantitative assessment of the competences/references' of these Requests for Participation is also equal, the score for the Selection Criterion 'qualitative assessment of the competences/references' will determine the rank order. If this score is also equal, a new ranking by lot will be drawn among the Candidates eligible for the invitation for the Award Phase.

## 5.6 PHASE 4 – OBJECTION PERIOD

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After assessing the Requests for Participation, the Contracting Authority will notify all Candidates in writing by means of the Selection Decision, informing which Candidates the Contracting Authority intends to allow to the Award Phase and the relevant reasons for the Selection Decision.

This communication containing the Selection Decision does not yet entitle the selected Candidates to be sent the Award Guide, as the non-selected Candidates may challenge the decision.

Candidates who do not agree with the Selection Decision and wish to object to it must lodge civil proceedings to this end with the civil court in The Hague within twenty (20) calendar days after the date of the Selection Decision, by serving a summons.

Any requests for a further (verbal) explanation of the Selection Decision shall not suspend this period.

If an unsuccessful (rejected) Candidate fails to issue a preliminary writ of summons, or does so untimely or improperly, it shall be deemed to have expressly waived its right to have the lawfulness of the Selection Decision or the Selection Procedure conducted reviewed by the court, and its claim shall be inadmissible if it still pursues a legal remedy.

## 5.7 ADDITION OF CANDIDATES

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If, as part of the Selection Procedure, a maximum has been set for the number of Candidates to be invited to the Award Phase and the number of suitable Candidates exceeds the maximum number, the Contracting Authority may still invite the next most suitable Candidate(s) in the ranking, but not invite, to the Award Phase,

- a. If a selected Candidate is excluded from further participation in the Tender Procedure in accordance with paragraph 5.6;
- b. If a selected Candidate withdraws from the Tender Procedure.

In the event of any remaining suitable Candidates with similar scores, to determine which of these suitable Candidates must be additionally invited, a drawing of lots will take place in accordance with the draw procedure described in paragraph 5.5. If a draw has already been held among all the remaining suitable Candidates in the context of this Selection Procedure, no new draw will be held, but the result of the first draw will be used as the basis.

## Final word

If, after reading this document, you wish to participate in this Selection Procedure, we wish you every success in compiling your Request for Participation and we look forward to receiving your Request for Participation!

# Invest International

**Let's get in touch. Together we build the  
sustainable markets of tomorrow.**

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