



Selection Guidelines

Restricted European Tender

Telephony for Detainees for **Custodial Institutions Agency (DJI)**

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INTRODUCTION

Thank you for your interest in the restricted European tender 'Telephony for Detainees'. A restricted European tender takes place in two phases:

- Phase 1: the Selection Phase
- Phase 2: the Award Phase

All entrepreneurs who are interested in the Contract must submit a Request to Participate on the basis of these Selection Guidelines and the accompanying appendices. If more than seven Candidates submit a Request to Participate, a further selection will be made. Only the Selected Candidates can, based on the Tendering Guidelines sent to them at that stage, submit a Tender for the Contract, based on which the Contract will be awarded.

These Selection Guidelines relate to the first phase, the Selection Phase and describes the Contract, the procedure, and the requirements and conditions for submitting a Request to Participate.

The entire tendering procedure is conducted via TenderNed (www.tenderned.nl). TenderNed is the online marketplace for tenders of the Dutch government. You must register on TenderNed in order to participate in the tendering procedure.

Please note: if you wish to receive notifications about developments regarding this tender (such as the publication of the Information Notice), you must click on the button 'Houd mij op de hoogte van deze aanbesteding' (keep me informed about this tender) on TenderNed.

Contracting Authority and the Contract

The Custodial Institutions Agency, hereinafter referred to as the Contracting Authority or DJI, is looking for a partner who can provide a reliable and modern telephony facility for detainees, which is embedded in DJI's IT environment. The purpose of the tender is to conclude one Agreement with one contractor.

The Procurement and Implementation Centre and your contact person

The Procurement Implementation Centre of the Custodial Institutions Agency (hereinafter referred to as IUC DJI) is part of the Shared Service Centre of the Judicial Institutions Agency (hereinafter referred to as SSC DJI). Together, they provide a large number of services for various Government Organisations, including procurement and contract management. Mirjam de Pater, a senior advisor on European tendering at the IUC DJI, is supervising this tender.

Reader's guide

Please familiarise yourself with these Selection Guidelines, including all appendices. The Selection Guidelines are structured as follows:

- Who are we?
- What do we want?
- What conditions do you have to meet?
- How to submit a Request to Participate?

Invitation

Do you believe that what your organisation has to offer is in line with our Contract? Then you are cordially invited to submit a Request to Participate for this Contract.

We wish you the best of luck and look forward to receiving your Request to Participate!

Kind regards,

'Telephony for Detainees' Project Team.

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2. Tender checklist
3. Explanation tender types and completion of appendices
- 4.1 Graphical representation of telephony for Detainees (ist situation)
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Forms for Request to Participate

- A. European Single Procurement Document
- B. Participation Form and Statement of Agreement
- C. Reference Form

Definitions

In addition to/in deviation from the Public Procurement Act 2012 and the ARBIT (the General Government Terms and Conditions for IT Contracts), the following terms apply. In this document, these terms are capitalised.

Term	Definition
Agreement	The commitment that will be concluded with one Contractor as a result of this invitation to tender for the Contract, including any appendices.
ARBIT	The most recently published version of the General Government Terms and Conditions for IT Contracts.
Award Criteria	The qualitative criteria/requests stipulated by the Contracting Authority for the Contract. The Award Criteria are shared with the Selected Candidates during the Award Phase.
Award Phase	The phase in the tender procedure in which the Candidates Selected for this purpose can submit a Tender in order to be eligible for the performance of the Contract.
Candidate(s)	The entrepreneur(s) or partnership of entrepreneurs who submits (or intends to submit) a Request to Participate in the Selection Phase in order to be eligible for an invitation to participate in the Award Phase.
Client	The Custodial Institutions Agency.
Contract	Carrying out the contract on the basis of the Agreement, as described in the Tender Documents.
Contracting Authority	The State of the Netherlands, more specifically the Judicial Institutions Agency (DJI).
Contractor	The Tenderer, to whom the Contract is awarded and with whom the Client will enter into the Agreement.
Detainee(s)	Person(s) placed in a correctional institution by order of the judge.
Request to Participate	A request for participation by a Candidate during the Selection Phase in this restricted procedure based on the Selection Guidelines.
Schedule of Requirements	The requirements set by the Contracting Authority for the (performance of the) Contract. The Schedule of Requirements is shared with the Selected Candidates during the Award Phase.
Selected Candidate(s)	The Candidate who has been selected by the Contracting Authority in the Selection Phase and who is invited to submit a Tender during the Award Phase.
Selection Guidelines	This document.
Information Notice(s)	The document(s) containing questions asked by potential Candidates about the tendering procedure and the Tender Documents and answers to these questions anonymously provided by the Contracting Authority.
Tender	Quotation submitted by a Tenderer in the context of this invitation to tender.
Tender Documents	The official announcement, the Selection Guidelines, the Tendering Guidelines (including any Information Notice) and all other documents (in written and/or electronic form) made available by the Contracting Authority to the Candidates or Tenderers in connection with the invitation to tender.
Tenderer(s)	The Contractor(s) or partnership(s) of Contractors who submit a Tender for the Contract during the Award Phase.
Tendering Guidelines	The document that will be sent to all Selected Candidates during the Award Phase, being the request for quotation with regard to this invitation to tender, including the appendices.

WHO ARE WE?

1. The organisation

This invitation to tender is issued on behalf of the Custodial Institutions Agency, hereinafter referred to as the Contracting Authority.

1.1 Custodial Institutions Agency (DJI)

The DJI contributes to the safety of society. It does this by enforcing custodial sentences and custodial measures. The DJI offers the persons entrusted to its care the opportunity to build up a socially acceptable existence.

Detention takes place in different types of establishments. There are prisons and remand centres for adults, which are called penal institutions (PI). There are also special institutions for young people: Correctional Institutions for Juvenile Offenders (JJI). There are forensic psychiatric centres (FPC) for (psychiatric) patients and the DJI uses detention centres (DC) for foreign nationals.

On average, more than 10,700 detainees per day reside within the walls of correctional institutions.

The Custodial Institutions Agency (DJI) consists of three divisions, namely the Individual Cases Division, the Prison/Immigration Detention Division, and the Forensic Care/Correctional Institutions for Juvenile Offenders Division. They are supplemented and assisted by a number of directorates and national services: the Spiritual Care Service, the Transport & Support Service, Shared Service Centre DJI, Judicial IT Organisation (JIO), the Training Institute and the Netherlands Institute for Forensic Psychiatry and Psychology.

The DJI has more than 15,000 employees, spread over some 38 locations. Its head office is located in The Hague.

The mission of the DJI is follows: 'The Custodial Institutions Agency contributes to the safety of society. It does this by enforcing custodial sentences and custodial measures. It also offers the persons entrusted to its care the opportunity to build up a socially acceptable existence.'

As the DJI is an agency of the Ministry of Justice and Security, it has a certain degree of independence. Each year, the DJI is allocated a budget from the Ministry of Justice and Security and agreements are made about the performance to be delivered by the DJI. For more information about the DJI, please visit www.dji.nl or via: What does the DJI do?

WHAT DO WE WANT?

2. Contract description

2.1 Current situation

2.1.1 Telephony for Detainees

Detainees have the right to conduct one or more 10-minute telephone conversations at least once a week with persons outside the institution within the framework of the applicable laws and regulations.

Detainees stay in different types of institutions, in which different policies may apply to the possibilities for Detainees to make telephone calls. Various possibilities also exist within one location.

Within the current telephony facility, Detainees can make calls from the unit and, in a number of correctional institutions, also from an outdoor area. Some of these telephones are fitted with a privacy cover. The telephones in the units and the outdoor areas, the privacy covers, the voice logging workstations and the connections to the telephone system (telephony ports) are rented from the current contractor. In addition, in a number of correctional institutions, it is now possible to make calls from the cell/room using the intercom devices present (Telephony from Cell).

Telephones with a display offer multilingual menu options such as checking the balance, changing call credit and listening to voicemails. The telephony facility also provides voice control in multiple languages (interactive voice response) and provides voice messages regarding (among other things) call rate and remaining call credit.

Detainees have a calling account and a physical phone card to log in to the telephony facility and to make calls worldwide to fixed and mobile destinations. If there is a balance on their call credit, they can make calls, and collect calls to destinations in a select number of countries is also possible.

A Detainees can change his call credit via the telephony facility from his current account (increase or refund). A web application and a smartphone app are available for clients of Detainees outside the institution, with which money can be paid into the calling account of the Detainees. This smartphone app also makes it possible to leave a voicemail message for a Detainee or accept a collect call.

Detainees have access to a limited set of functionalities via a web interface, mainly aimed at managing their call credit and checking their call history.

There are ample possibilities for the generic or very specific setting of functionality such as listening in/listening out/recording or numbers on white/blacklists. Temporary or permanent measures can also be set, such as limitation of call duration and allowed times.

Part of the telephony facility is a caller ID system (customised software) with which telephone numbers of lawyers are read into the telephony facility and then treated in a special way.

The telephony facility has the following special IT links:

- With the current account of the Detainee (Oracle application, Leonardo);
- With the police tapping system (tapping and requisitioning);
- With a number registration application of the Netherlands Bar (for importing telephone numbers of lawyers).

The current telephony facility is based on VoIP. Analogue telephone connections can also be realised with this. This is a SaaS service with some customisation, delivered as a private cloud in two central government data centres. Part of the telephony facility is a dedicated WAN and multiple LANs up to the DJI institutions. Local storage of conversations takes place in only one institution.

Functional management is performed within a DJI Citrix environment via a Service Portal (web application). Listening in/recording/listening out is done on separate dedicated workstations. The

telephones in the units and those used outside are equipped with a display. The intercom devices come in different types, some of which are equipped with a display.

The current situation is outlined in appendix 4.1.

A Dutch-speaking service desk is available. Malfunctions that require on-site support are resolved by an organisation in the Netherlands.

2.1.2 Current contract situation

The agreement for the Telephony for Detainees (TfD) with the current contractor started in 2016 and will expire on 1 November 2023. This agreement with the current contractor includes a phasing-out period of a maximum of 12 months, counting from 1 November 2022.

The current contractor provides telephony for Detainees in 36 correctional institutions.

2.1.3 Scope and developments in recent years

In recent years, call minutes have developed as follows:

Destination	Type	2018	2019	2020	2021
The Netherlands	Fixed	9,414,000	13,200,000	17,281,000	23,232,000
The Netherlands	Mobile	25,994,000	35,096,000	43,499,000	49,100,000
The Netherlands	Collect call	975,000	1,645,000	1,998,000	1,856,000
Abroad	Fixed	1,194,000	1,539,000	2,062,000	2,343,000
Abroad	Mobile	3,486,000	4,781,000	6,113,000	6,396,000
Abroad	Collect call	<500	9,000	17,000	15,000

Recently, two developments have taken place:

- Due to the restrictions on receiving visitors as a result of the Covid-19 pandemic, the DJI has itself developed an IT facility that allows detainees to make video calls with authorised persons by appointment. This 'visual visit' is possible to a limited extent and is free of charge for the detainee. This facility is not part of the telephony for Detainees.
- Since 2020, 'In-Cell Telephony' has been rolled out in all correctional institutions. This means that detainees can make calls from their cell/room. At present, approximately 2800 cells in 11 correctional institutions are equipped with the facilities to be able to make calls from the cell/room. In the correctional institutions in which this has already been rolled out, the call volume appears to increase by approximately 25%. Due to the concurrence of this roll-out with the measures as a result of the Covid-19 pandemic, this cannot be specified exactly.

Characteristic numbers (rounded):

- Telephones in the unit: 1230
- Telephones outside: 60
- Telephone covers: 520
- Telephones in consultation rooms and multi-person cells (in 1 correctional institution): 175
- Intercom devices in cells/rooms, connected to the telephony facility: 2800 (growing to approximately 7900 during the term of the Agreement)
- Workstations to listen in/record/listen out: 50

2.2 Description of the Contract

2.2.1 Object

With the new telephony facility, the DJI aims to make Telephony for Detainees (TfD) available at a competitive price and to guarantee the continuity of the telephony facility, with due observance of the laws and regulations and additional agreements the DJI has made with stakeholders.

The telephony facility is future-proof and based on VoIP and supports the connection of fixed telephones via a variety of cabling, including traditional telephone cabling (N88). DJI wants to purchase a SaaS service including customization. The desired implementation is not yet known. Central components of the telephony facility may have to be placed in a Government Data Center or DJI prefers to place them outside DJI's IT domain (in the cloud). Part of the telephony facility is a dedicated WAN and multiple LANs up to the DJI institutions. At the start of the service, only one institution will store calls locally.

The desired situation is outlined in appendix 4.2.

2.2.2 The scope of the invitation to tender

The Contract includes the realisation and management of telephony for Detainees in DJI government institutions.

Characteristic functionalities:

- Calls to fixed and mobile destinations worldwide;
- Measures that limit calling (including destination, duration and period);
- Call-back service (collect call and/or reverse calling, to be determined);
- Identifying login details per Detainee;
- A call credit (balance) provision per Detainee, whereby the balance can be adjusted via a data exchange;
- Access to own call history by Detainees;
- For DJI employees, all functionality of the telephony facility, including listening in/recording/listening back, is available from a DJI Citrix workstation;
- A service portal for DJI functional management and administration tasks, including searching data and creating reports;
- Emergency switch;
- Voicemail.

Characteristic components:

- Telephony system;
- LAN/WAN network (security) infrastructure up to the DJI institutions;
- Connection to the intercoms in the cell for In-Cell Telephony;
- Telephones in the unit and outside, and sometimes on cells and in consulting rooms;
- Sound-insulating telephone covers¹;
- Public telephony connection (to destinations worldwide);
- Voice logging system (listening in/recording/listen back);
- Caller ID system for numbers of the Netherlands Bar. And also for real-time cross checking: preventing Detainees from establishing connections in all kinds of deviant ways;
- Tap interface (requisition of conversations and traffic data/CDRs, real-time listening in by police);
- Voicemail system;
- If necessary; hardware for issuing login data per Detainee;
- Service portal for DJI employees (web application);
- Web interface for Detainees;
- An app for clients (for topping up call credit, leaving a voicemail, accepting collect call);
- A webinterface for clients (topping up call credit)

¹ The soundproof covers are optional in the invitation to tender; the DJI may decide not to purchase these from the Contractor.

Characteristic IT links:

- With the number registration application of the Netherlands Bar (NOvA): this link imports a list of telephone numbers of lawyers. Calls to these telephone numbers may not be recorded or listened in to. The Contractor is responsible for realising this link with the NOvA;
- With the tapping system of the Interception & Sensing Department of the National Police Unit for real-time tapping and the transfer of advanced recorded historical conversations and/or traffic data (CDRs). The Contractor is responsible for realising this link with the police;
- With the Core Registration P&I application from the DJI to use the Detainee identity as a number within the telephony facility. The telephony facility must also be able to work without this link and it must be possible to manually enter the Detainee number in the telephony facility (possibly to be implemented later);
- With the Leonardo application of SSC-ICT (Oracle), containing the current account of Detainees. For debiting the current account when topping up the call credit of the Detainee and/or topping up the current account from the call credit (crediting). The call credit of the Detainee is located in the telephony facility. The telephony facility must also be able to work without this link, whereby call credit can be topped up in another way, in particular via a web interface or smartphone app for clients;
- With the secure JuBIT interface from the DJI: this allows a secure connection to systems and applications from the DJI (such as KR P&I);
- With intercom systems in DJI devices for in-cell telephony, so calls can also be made with intercom devices in cells;
- With emergency systems in DJI facilities (emergency switch), so the telephony facility can be switched off at the relevant location with one push of a button from a surveillance centre;
- With the DJI's SIEM Platform: for the collection of TvJ sys logs and monitoring of (potential) security incidents by the DJI Security Operations Centre;

Services:

- Technical management, technical application management, functional application management and Dutch speaking first and second-line service desk. DJI functional management makes its own configuration settings in the available software of the telephony facility where possible;
- ITIL: Incident management, problem management, change management, configuration management, release management, capacity management and service level management.

The DJI may also request the Contractor to realise the following functionality during the term of the Agreement:

- Link with Detainees Relationship Monitor (GRM) from the DJI: data from the telephony facility can be transferred to the GRM application for further analysis;
- Link with the identity and access management environment of the DJI: so single sign on is possible;
- Link with speech analysis service(s) of third parties, so recorded conversations can be translated and analysed.

The following falls outside the scope of the Contract:

- The telephone facility for private (young offenders) institutions and private forensic hospitals;
- Telephone facility for the Extra Secure Institution in Vught;
- Telephone facility for DJI employees;
- Video conference hearing functionality;
- Telephone/intercom device to be used in the cell;
- All forms of communication other than telephony (such as video calling, video visit, text message, e-mail and chat).

2.2.3 Financial model

The DJI will use a financial model in which the costs of the telephony facility are financed from the revenues from call minutes. The financial model will be further elaborated in the Tendering Guidelines.

2.2.4 Scope of the Contract

Broadly speaking, the Contract concerns the telephony facility for Detainees in the following correctional institutions:

- 25 Penal Institutions
- 2 correctional complexes + 1 yet to be built (planned commissioning in 2028)
- 3 forensic psychiatric centres
- 2 detention centres
- 4 Correctional Institutions for Juvenile Offenders

Characteristic numbers² (rounded):

- Telephones in the unit: 1230 (The tenderer supplies and installs the devices)
- Telephones outside: 60 (The tenderer supplies and installs the devices)
- Connecting Telephones in consultation rooms and multi-person cells (in 1 Institution): 175
- Optional: Telephone covers: 520
- Connecting of Intercom devices in cells/rooms to the telephony facility: 7900 (partly in roll-out, partly later).

Based on the information currently known, the Contracting Authority estimates that the annual number of call minutes during the term of the Agreement will be between 80,000,000 and 100,000,000.

In preparing this invitation to tender, the Contracting Authority has attempted to collect as much information as possible regarding the expected scope and development of the number of call minutes during the term of the Agreement. Nevertheless, the stated volume is indicative. Correctional institutions can be closed, expanded or added. Social and/or political developments may also affect the scope of the Contract. As a result, the actual decrease may actually be lower or higher than the estimated value. Therefore, no purchase obligation, purchase guarantee or turnover guarantee applies. You cannot derive any rights from the numbers mentioned.

A more accurate estimate of the scope of the Contract is provided, if possible, in the Tendering Guidelines.

2.3 Lots

In the opinion of the Contracting Authority there is no question of merging Assignments, but of one Assignment. In the opinion of the Contracting Authority the Assignment forms a single technical economic whole and cannot be purchased in parts.

The Contracting Authority has made a well-considered decision to market the Assignment as a whole and not to divide it into several lots.

Both a geographical and a functional division of the Assignment leads to major organisational and technical problems in particular in the field of the management of the telephony facility and all necessary links. In addition, a division of Assignments leads to a significant increase in costs for DJI because more connections have to be made and maintained, people have to be trained in different systems and information has to be made interchangeable between different systems.

In addition, the market consultation shows that the Assignment is already suitable for SME's.

2.4 Agreement

2.4.1 Agreement and conditions

An agreement is drawn up for the performance of the services on the basis of the most recently published procurement conditions established nationwide (ARBIT). A processing agreement is also

² excluding the devices for the yet to be built correctional complex

drawn up to guarantee the protection of personal data. These agreements and the procurement conditions are made available by the Contracting Authority during the Award Phase.

2.4.2 Term

The Agreement has a term of six years, commencing on 1 November 2023. The Client has the option, to be exercised unilaterally by the Client, to extend the Agreement twice under the same conditions for a maximum period of one year.

The Contracting Authority has opted for a term of more than four years, due to the duration and scope of the implementation, which is expected to take approximately one year. This implementation is a major investment for both the DJI and the Contractor, which can be earned back over a longer term. In addition, telephony is a very important service for Detainees, because it is the most important connection with the outside world. Changes in this service lead to unrest among the Detainees, by limiting the changes in the service, it contributes to security in the correctional institutions.

2.4.3 Implementation and transition phase

The period between the moment of signing and the effective date of the Agreement is regarded as an implementation phase. During the implementation phase, the telephony facility must be set up and delivered (including IT links). The current planning aims for an operational telephony facility on 1 November 2023, which will then be rolled out in the correctional institutions. This roll-out is the transition phase.

After the expiry or premature termination of the Agreement, the Contractor must phase out the services at the request of the Client. This phase-out will last a maximum of 12 months.

2.4.4 Reserve contractor agreement

If the Agreement with the Tenderer who has submitted the economically most advantageous Tender is terminated prematurely in any way, the Client is entitled to invoke a reserve contractor arrangement. The Tenderer who has finished second in the ranking will be asked to maintain his Tender for a period of 18 months, calculated from the closing date for submitting a Tender.

WHAT CONDITIONS DO YOU HAVE TO MEET?

3. Requirements for the Candidate

3.1 Tender types

Your Request to Participate must clearly show in what capacity (independently, in partnership, with or without subcontractor(s)) you will submit your Tender in the Award Phase.

You can submit a Request to Participate based on different business relationships:

- Independent, without subcontracting;
- Independent, with subcontracting;
- Partnership, without subcontracting;
- Partnership, with subcontracting.

You can only submit one Request to Participate: either independently or as part of a partnership. Subcontractors may be included in multiple Requests to Participate.

The document entitled Explanation tender types and completion of appendices (see Appendix 3) provides an explanation of the various possible forms of tendering and how and which appendices you must complete in order to tender.

3.2 The grounds for exclusion

3.2.1 European Single Procurement Document

Grounds for exclusion are intended to exclude companies that are not ethical. The European Single Procurement Document (hereinafter referred to as ESPD) is used for the verification of these exclusion grounds. By completing the ESPD, you declare that the relevant exclusion grounds do not apply to your company.

You must answer all questions asked in the ESPD and duly sign it. Filling in the ESPD incorrectly or incompletely or not submitting it at all may lead to exclusion from the Request to Participate. The Contracting Authority may nevertheless admit a Candidate to this procedure if the Candidate, in the opinion of the Contracting Authority, can sufficiently demonstrate its reliability.

Please note: the European Single Procurement Document automatically fills in the answers that are positive for you. It remains your responsibility to verify that this is correct.

In the case of a Request to Participate submitted by a partnership, this requirement applies to all participants in the partnership: each individual participant in the partnership must complete the ESPD.

Third parties can also be called upon for certain qualifications. You must indicate this in the ESPD. If you use one or more third parties to meet the suitability conditions, you must – if you are selected – demonstrate by means of evidence that the grounds for exclusion do not apply to these third parties. You must also demonstrate that these third parties meet the relevant suitability conditions.

If, after submitting a Request to Participate or during the performance of the Agreement, changes occur as a result of which grounds for exclusion still apply to you or your organisation, you must report this to the Client immediately. The Contracting Authority reserves the right to exclude the Candidate, Tenderer or Contractor from further participation in the invitation to tender or in the performance of the Agreement, unless this is a minor issue. Agreements already made can be cancelled without legal consequences for the Contracting Authority. The foregoing also applies to any member of the partnership, a third party or a subcontractor. Furthermore, the Contracting Authority may require the replacement of a subcontractor.

- **TO BE SUBMITTED WITH THE TENDER AS DOCUMENT A**
Completed and duly signed European Single Procurement Document

If you are selected to participate in the Award Phase, you must submit the following supporting documents with the verification as included in the Selection Phase³:

- **SUPPORTING DOCUMENT 1**
'Gedragsverklaring Aanbesteden' (not older than two years from the deadline for submitting a Request to Participate, available from Justis)*
- **SUPPORTING DOCUMENT 2**
Declaration tax authorities (not older than six months from the deadline for submitting a Request to Participate, available from the Tax and Customs Administration)*

*** We would like to point out that the application for the 'Gedragsverklaring Aanbesteden' can take approximately eight weeks and the declaration from the tax authorities approximately two weeks. So submit your application in time.**

If the Candidate is established outside the Netherlands, he cannot obtain supporting documents 1 and 2. Appendix 2 (Checklist) explains how in this case, the Candidate can demonstrate that it complies with the provisions of the ESPD.

3.2.2 Participation form and statement of agreement

You must enclose the completed and duly signed Participation form and statement of agreement (form B) with your Request to Participate. This form provides insight into how you will perform the Contract, for example, with which business relationship(s). By signing this form, you agree to everything stated in this Selection Phase. The document entitled Explanation tender types and completion of appendices (Appendix 3) provides an explanation of how to complete this form.

- **TO BE SUBMITTED WITH THE TENDER AS DOCUMENT B**
Completed and duly signed Participation form and statement of agreement

3.3 The suitability conditions

Suitability conditions are intended to test whether you are indeed suitable to perform the Contract. These are also referred to as selection criteria in the ESPD. To meet the suitability conditions, you can call on one or more third parties. If the Candidate is selected in the Selection Phase, the Candidate must be able to demonstrate by means of evidence that the grounds for exclusion included in the previous paragraph do not apply to these third parties and that the third parties meet the relevant suitability conditions.

If you do not meet (one of) the suitability conditions, your Request to Participate will be set aside.

3.3.1 Technical and professional competence

By completing the ESPD, you declare that you have the required core competencies.

Core competency 1

By completing the ESPD, the Candidate declares that it has sufficient capacity in the functions most relevant to the Contract to be able to perform the Contract. The emphasis is on the functions that contribute to an untroubled implementation according to schedule, the future-proofing of the telephony facility and always up-to-date information security, including the security of the software.

- **SUPPORTING DOCUMENT 3 – TO BE SUBMITTED AT THE CONTRACTING AUTHORITY'S REQUEST**

³ See Appendix 2 for information for non-Dutch companies

1. A statement of the number of employees of the Candidate in the following positions/roles:
 - Software developers, in particular those aimed at further development of the software and information security
 - First and second-line technical specialists
 - Implementation specialists, including project managers
2. An explanation that these numbers of Candidate's employees are sufficient for the performance of the Contract

NOTE: The Contracting Authority sees software development (keeping it up to date), information security and the development and maintenance of (customised) IT links as critical tasks in the performance of the contract that must be performed by the Candidate itself (or a member of the partnership).

Core competency 2

By completing the ESPD, the Candidate declares that it has experience in implementing and rolling out a telephony facility (or a facility that includes telephony), including IT links at at least 5 locations of one client.

Core competency 3

By completing the ESPD, the Candidate declares that it has experience in providing technical support and service desk, including first and second-line support for a telephony facility (or a facility that includes telephony) at a client with at least 2,500 detainees.

Core competency 4

By completing the ESPD, the Candidate declares that it has experience in basing the information security of the telephony facility on ISO 27001 and ISO 27002 (or on the basis of standards/best practices that are at least comparable to these, including the Government Information Security Baseline) at a correctional institution.

▪ **TO BE SUBMITTED WITH THE TENDER AS DOCUMENT C**

For core competencies 2, 3 and 4: completed and signed Reference form.

You must enclose the completed and signed Reference form (Form C) with the Request to Participate. This form also contains more information. The Contracting Authority reserves the right to contact the contact person/body of the submitted sponsor specified on the form for verification.

▪ **SUPPORTING DOCUMENT 4 – TO BE SUBMITTED AT THE CONTRACTING AUTHORITY'S REQUEST**

The Reference form submitted as Document C, now also provided with the sponsor's signature.

3.3.2 Quality assurance

By completing the ESPD, the Candidate declares that it guarantees the confidentiality, availability and integrity of information within its organisation.

▪ **SUPPORTING DOCUMENT 5 – TO BE SUBMITTED AT THE CONTRACTING AUTHORITY'S REQUEST**

A copy of the ISO 27001:2017 certificate and the corresponding Statement of Applicability that forms part of the ISO 27001:2017 certificate with regard to all domains and control measures as described in the annex A of the ISO27001:2017.

If you do not have the aforementioned certificate, you can demonstrate compliance with the suitability condition with equivalent certificates from bodies established in other Member States of the European Union. Evidence of equivalent measures will also be accepted if the Candidate cannot obtain the aforementioned certificate within the set periods for reasons that cannot be attributed to

it, provided the Candidate proves that the proposed measures in the field of information security meet the quality standards.

Equivalent is understood to mean meeting the following characteristics:

1. Anchored organisation-wide (in policy), adopted by the responsible management board and propagated by this management board (e.g., through a quality manual);
2. The management board also bears the responsibility for the correct design, implementation and management of information security policy;
3. Organisation-wide implementation of relevant procedures related to service provision and management of resources and documents, where continuous improvement is a key focus;
4. Internal quality cycle: measurement, analysis and improvement of quality levels;
5. Periodic independent expert audit for compliance with quality procedures;
6. Customer-related processes: there is a system in place to ensure that (from the customer's perspective) the customer's needs are made transparent and that this wish is part of the business processes.

3.3.3 Professional qualification

By completing the ESPD (Form A), you declare that you are listed in the trade register according to the requirements of the legislation of the country where you are located. The Contracting Authority verifies on the basis of an extract from the trade register whether your Request to Participate has been duly signed. Your signature must show that the natural person who signed the Request to Participate (either alone or independently) is authorised to represent the company.

- **TO BE SUBMITTED WITH THE TENDER AS DOCUMENT D**
Proof of registration in the trade register of the country where you are located.

HOW TO SUBMIT A REQUEST TO PARTICIPATE?

4. Tendering procedure

4.1 Restricted procedure

The Contract is put out to tender by means of a restricted procedure in accordance with the Public Procurement Act 2012. The restricted procedure means the selection and the award take place in two separate phases.

4.1.1 Selection Phase

During the Selection Phase, the Request to Participate submitted will be assessed in accordance with the procedure described in this chapter. The Contracting Authority will assess whether no grounds for exclusion apply to Candidate(s) and whether Candidate(s) meet the suitability conditions. The Selection Phase is concluded with the selection decision in which the Selected Candidates are announced, and the verification as described in paragraph 4.7.

4.1.2 Award Phase

At the start of the Award Phase, the Selected Candidates will receive the Tendering Guidelines, which include the procedure for the Award Phase, the Schedule of Requirements and the Award Criteria, the draft Agreements and the assessment method. During the Award Phase, the Selected Candidates submit a Tender, which is assessed by the Contracting Authority. Based on the award criteria, the Contract will then be awarded to the Tenderer who has submitted the "Economically Most Advantageous Tender (EMAT)".

4.1.3 TenderNed and communication

The tendering procedure is carried out completely digitally: publication, communication and submission of the Request to Participate and the Tender (during the Award Phase). This means all Tender Documents are published via the online tender platform, TenderNed.

Communication only takes place via the TenderNed message module. Verbal or other written contact with employees of the Contracting Authority about this tender is expressly prohibited and may lead to exclusion from participation.

4.2 Procedure selection phase

4.2.1 Apparent contradictions

These Selection Guidelines and the accompanying appendices have been compiled with great care. If a Candidate believes that information or a provision in the Tender Documents is incorrect, contradictory, incomplete, unlawful or otherwise irregular, the Candidate must immediately notify IUC DJI of this by sending a message via TenderNed. The Candidate is expected to adopt a proactive attitude and to point this out to the IUC in good time – i.e., before the deadline for submitting a Request to Participate.

4.2.2 Planning

The following planning is used for the Selection Phase:

Description	Date and time (UTC+2)
Submitting publication to TenderNed	16 September 2022
Last opportunity to submit questions	3 October 2022, 16:00

Latest date on which the questions submitted will be answered in writing (submitting Information Notice)	13 October 2022
Deadline for submitting Requests to Participate	24 October 2022, 16:00
Opening Requests to Participate	24 October 2022, 16:05
Selection decision announcement	02 November 2022
Deadline for submitting documents for verification	17 November 2022
Verification call (optional)	Mid November
End of standstill period	22 November 2022
Intended date for submitting Tendering Guidelines	01 December 2022

4.2.3 Information Notice

You can ask questions, make proposals or make comments about this invitation to tender. To keep asking questions as simple as possible for you, we have chosen to use the 'Berichtenmodule' (Message module) on TenderNed. Please use the format (see Appendix 1) and add it as an Excel file in your message. We can only answer your questions if they are submitted in this way and before the scheduled deadline and time for asking questions. Questions submitted after the deadline may not be answered.

The Contracting Authority will answer questions received as soon as possible, so you do not have to wait until the deadline to ask questions.

The Contracting Authority will answer the questions in writing and anonymously. Information is only binding insofar as it is included in a Information Notice or individually answered in writing.

In response to questions from the Information Notice, the Contracting Authority may make changes to the Tender Documents. The Information Notice form an integrated part of the Tender Documents and prevail over the latter. If there are several Information Notices with contradictions, the provisions of the most recent Information Notice will prevail.

4.3 Submitting the Request to Participate

The Candidate must submit its Request to Participate via TenderNed. The Request to Participate is sent by clicking on the "Inschrijven op de aanbesteding (Submitting your tender)" link on TenderNed in the dashboard and completing all the steps.

Requests to Participate received kept in an electronic safe on TenderNed. After the closing date, the IUC DJI can open the safe. From that moment on, the Requests to Participate will be visible to the IUC DJI.

All Candidates will receive a TenderNed-generated opening report of the opening of the safe.

4.4 Requirements for the Candidate's Request to Participate

4.4.1 In time and in the prescribed manner

The Candidate must submit its Request to Participate via TenderNed. Requests to Participate must be submitted no later than the date and time stated on TenderNed. On this date and time, the digital safe in TenderNed will close and it will no longer be possible to submit a Request to Participate.

The risk of late submission due to faulty or slow systems, network connections and/or PCs is borne by the Candidate. The Contracting Authority therefore strongly recommends that you start uploading your Request to Participate in time.

If a malfunction occurs at TenderNed just before the closing date has expired and you are unable to submit your Request to Participate in time, you must report this immediately by e-mail to IENEA@dji.minjus.nl. In this case, you should encrypt and send your Request to Participate as soon

as possible. For an elaboration of this, see Article 2.109a of the Public Procurement Act. In addition, you should contact TenderNed about the malfunction. TenderNed's report about the malfunction is decisive for the Contracting Authority's decision to possibly extend the term and/or to accept your encrypted P Request to Participate sent by e-mail.

4.4.2 Complete

A Request to Participate must be complete. The Checklist (Appendix 2) contains a table with all the documents you must include in your Request to Participate.

An incomplete Request to Participate will be disregarded by the IUC DJI, unless the IUC DJI believes that the identified defect can be remedied in accordance with the applicable case law.

4.4.3 Duly signed

The Request to Participate must be duly signed by the legal representative of the Candidate. This is the natural person who is listed as authorised in the extract of the Chamber of Commerce.

If the signature is placed by someone other than that stated in the extract, (a copy of) the required power of attorney is also required. This must be signed by the natural person who is authorised to sign and which is stated in the extract.

Accepted signatures are the original handwritten signature, the scanned signature and the qualified electronic signatures (see Section 3:15a of the Dutch Civil Code).

4.4.4 Language

The language of instruction during the Selection Phase is English. All documents included in the Request to Participate must be in English.

4.4.5 Validity period of at least 90 calendar days

You honour your Request to Participate for a minimum of 90 calendar days after the last day of the deadline for submitting a Request to Participate. On request, you must extend this period by 90 calendar days. No right to selection can be derived from this request. If summary proceedings are instituted during the Selection Phase, the validity period of the Request to Participate is automatically extended to 30 calendar days after the court's decision on the summary proceedings.

4.4.6 No provisos and/or conditions

The Candidate must unconditionally agree to all provisions included on the Participation Form (Form B) and the Candidate's Request to Participate may not contain any provisos. If the Candidate does not unconditionally agree with the provisions of the Participation Form and/or makes reservations, its Request to Participate will be set aside.

4.5 Assessment of Requests to Participate

4.5.1 Step 1: Assessment (formal) requirements

The Requests to Participate received are first assessed against the requirements set out in paragraphs 4.4.1 to 4.4.6.

Requests to Participate that do not meet the requirements will be excluded from further participation or set aside, depending on the situation that caused the invalidity, unless, in the opinion of the Contracting Authority, this is a minor matter.

4.5.2 Step 2: Assessment grounds for exclusion

The Contracting Authority then assesses whether any ground for exclusion applies to a Candidate. It does this on the basis of the completed European Single Procurement Document.

4.5.3 Step 3: Assessment grounds for exclusion and suitability conditions

If no grounds for exclusion have been established in the previous step, an assessment will be made - (partly) on the basis of the completed European Single Procurement Document - as to whether the Candidate meets the suitability conditions set out in paragraph 4.3. Non-compliance with one or more of the suitability conditions will lead to exclusion from further participation, unless, in the opinion of the Contracting Authority, this is a minor matter.

4.5.4 Selection

If, after completing steps 1 to 3, more than seven Requests to Participate remain, the Contracting Authority will determine which Candidates will be invited to the Award Phase on the basis of a lottery.

If fewer than seven Requests to Participate remain, all such Candidates will be invited to the Award Phase, provided there is effective competition.

4.6 Notification of selection decision and standstill period

After the Requests to Participate are assessed, the notification of the selection decision will be sent (simultaneously) to the Candidate(s) via TenderNed. The notification to the rejected Candidate(s) contains the relevant reasons for the rejection.

The Contracting Authority observes a standstill period of 20 calendar days. This period starts on the day after the date of dispatch of the notification of the selection decision to the Candidate(s). Any Candidate who does not agree with the selection decision can bring summary proceedings before the preliminary relief judge in The Hague within the aforementioned period. After the aforementioned 20 calendar days, the right to institute summary proceedings lapses.

4.7 Verification

After the selection decision has been sent and after the start of the standstill period, the Requests to Participate will be verified.

During this phase, you must submit the requested supporting documents (see Checklist Appendix 2) within 15 days of the announcement of the selection decision, unless the Contracting Authority agreed specifically on another timeframe.

The Contracting Authority may also decide to invite the Selected Candidates for a verification interview.

4.8 Selection and transition to the Award phase

If none of the Candidates has instituted summary proceedings against the selection decision within the applicable period of 20 calendar days and the verification of the Request to Participate does not reveal any irregularities, the Contracting Authority considers itself free to proceed to the Award Phase and to make the Tendering Guidelines available to Selected Candidates.

During the Award Phase, the Selected Candidates are requested to submit a Tender on the basis of the Tendering Guidelines and the appendices. The Tenders received by the Contracting Authority will be assessed on the basis of the award criterion Economically Most Advantageous Tender on the basis of the best price-quality ratio. The Economically Most Advantageous Tender will be determined on the basis of the following further criteria that will be elaborated later:

- 1 Quality of implementation, software development and management
- 2 Quality of the solution offered
- 3 Pricing

whereby the Contracting Authority currently intends to weigh Quality for 60% and Price for 40%.

4.9 Other (legal) procedural provisions and conditions

4.9.1 Section 2.81 of the Public Procurement Act

Article 2.81, paragraph 1 of the Public Procurement Act 2012 applies to the performance of the Co. In case there are questions regarding these obligations, information can be obtained from the following bodies: Taxes: www.belastingdienst.nl, Environmental protection: Ministry of Infrastructure and the Environment (www.rijksoverheid.nl/ministeries/ienm and www.rvo.nl) and the municipality where the Contract is performed and Labour protection and working conditions: Ministry of Social Affairs and Employment (www.rijksoverheid.nl/ministeries/szw), UWV (Employee Insurance Agency) (www.uwv.nl/werkgevers) and the municipality where the Contract is performed.

4.9.2 Russia sanction package

The Contracting Authority would like to remind you of the 'Russia Sanction Package affects Public Procurement Circular Letter' of the Ministry of Economic Affairs, reference CE-MC / 22156112. This was drawn up in response to Regulation EU 2022/576. In accordance with this Regulation and circular letter, no more contracts may be awarded to Russian parties. This also applies to contracts in which a Russian party participates for more than 10% in the contract as a subcontractor or supplier.

You must provide the necessary information in the Participation Form (see Form B). If you (1) are a Russian party or (2) use a Russian party as a subcontractor or (3) use a Russian supplier that will participate for more than 10% in the Agreement, the Request to Participate will be set aside. You will be excluded from further participation, unless one of the exceptions as included in the circular letter demonstrably applies.

For more information we refer to the content of the circular letter. You can also contact the RVO's Russia Sanction Portal for more information. The Russia Sanction List has also been published there. Please visit [Russia Sanction Portal \(rvo.nl\)](http://RussiaSanctionPortal(rvo.nl)). This sanction package is subject to change. It is therefore possible that this sanction package changes during the tendering procedure and/or during the term of the Agreement and thus affects the Contract to be performed.

4.9.3 Competition law

To be eligible for award, you must refrain from conduct that is contrary to Dutch or European competition law (including Article 6 of the Competition Act or Article 101 of the Treaty on the Functioning of the European Union), i.e. consultation prior to or during the invitation to tender in which the prices and/or conditions of the Tender and/or work to be submitted are coordinated.

4.9.4 Stopping the invitation to tender

The Contracting Authority reserves the right, in writing and stating reasons, to withdraw, suspend and discontinue all or part of the invitation to tender, to waive the (final) award and/or to refrain from entering into the envisaged Agreement.

4.9.5 Outsourcing

The Contracting Authority reserves the right, in appropriate situations, to award or outsource parts of the Contract, which are the subject of this invitation to tender, outright to a third party as part of an integrated project, public-private partnership, DBFM contract or similar construction, if such an integrated approach is desirable in the opinion of the Contracting Authority. In such situations, the relevant service falls outside the scope of the Agreement and the party cannot claim the service or any compensation, including lost turnover and/or profit or otherwise.

4.9.6 Compensation of tendering costs

The Contracting Authority believes that the activities you must perform in the context of submitting a Request to Participate and Tender (in the Award Phase) are not of such a nature that a registration allowance should be paid for this. The Contracting Authority therefore does not pay a registration allowance under this invitation to tender.

4.9.7 Complaints procedure

Complaints about the content of this invitation to tender or about the actions of the Contracting Authority in this invitation to tender can be submitted in the context of the Information Notice. If the Contracting Authority does not honour this complaint, the complaint can be submitted to the

Complaints Hotline of the Ministry of Justice and Security. Complaints must be submitted in writing (which includes e-mail) stating:

- date of submission;
- name, place of business and trade register number of the complainant;
- name and address details (including e-mail) of the complainant's contact person;
- title and TenderNed number of the invitation to tender to which the complaint relates;
- name and address (including e-mail) of the contact person at the Contracting Authority for the invitation to tender to which the complaint relates;
- a reasoned description of the complaint;
- a description of how the complaint can be resolved.

The complaint must be addressed to:

Complaints Hotline European Procurement Justice and Security
Strategic Purchasing Department
Turfmarkt 147
P.O. Box 20301
2500 EH THE HAGUE
E-mail: klachtenmeldpunt.ea@minjenv.nl

After receipt, the complaint will be dealt with as soon as possible by the Complaints Hotline and the investigation into the complaint will be started expeditiously. The Complaints Hotline provides advice to the Contracting Authority. The advice will state, with reasons, whether the Complaints Hotline considers the complaint to be well-founded, partially well-founded or unfounded. It is then up to the Contracting Authority to decide on the complaint, taking into account the advice of the Complaints Hotline. If it rejects the complaint, the complainant will be informed about this by the Contracting Authority. If the complaint is upheld, the Contracting Authority will take preventive or corrective measures.

If a decision by the Contracting Authority is not forthcoming or, in the opinion of the complainant, there is reason to do so, the complaint may be submitted to the Committee of Tendering Experts. See also www.commissievanaanbestedingsexperts.nl.