



Annex 9. Procurement Complaints Protocol

Ministry of Infrastructure and Water management

Parties that have an interest in this Tender can complain. These are interested entrepreneurs, (possible/potential) tenderers, sub-contractors, branch organizations. Sub-contractors can complain as long as the complaint does not relate to the structure with the main contractor.

Not every question needs to result in a complaint nor does every complaint have to lead to the start of the protocol as described below. Questions and requests that concern clarification of aspects of the Tender need to be asked timely in such a way that the Contracting Authority can address them in the Memorandum of Information.

Complaints Protocol

1. Complaints should be addressed by e-mail: klachten.inkoop@minienw.nl with a CC to emile.roest@minienw.nl Please refer to:
 - i. Name and residency and Chamber of Commerce number of the complaining party.
 - ii. Name and address of the contact (incl. e-mail).
 - iii. Title of the Tender and TenderNed reference number of the Tender concerned.
 - iv. Name of the lead procurer for the Tender within the contracting authority.
 - v. Motivated description of the complaint.
 - vi. Suggestion for a resolution.
2. It should be clear
 - That the message concerns a complaint;
 - What the complaint is about;
 - How the problem could be addressed;
 - Whether the complaint procedure in title 9.1 of the General Administrative Law (Dutch) should be started/applied.
3. The Ministry's complaints "department" directly confirms receipt of the complaint and informs the complaining party about the further process in addressing the complaint.
4. Further information can be asked.
5. The complaints departments coordinates an in-depth investigation within the organization.
6. The complaints department offers the reporter of the complaint the opportunity to explain the complaint in a personal meeting.
7. Should the investigation turn out that the complaint (partially) has ground and that corrective or preventive measures should be taken, or turn out that the complaint has no ground, the complaints department reports this to the responsible director who decides about the complaint.
8. The decision will be communicated immediately and within 6 weeks, in writing. All Tenderers will be informed if the complaint has been found to have ground/be just.
9. The complaints department can, before a decision is made about the complaint, seek advice with the Commission of Tender Experts (Dutch).

Note:

Registering or filing a complaint does not halt the Tender procedure unless the Contracting Authority decides explicitly to suspend the procedure. Any decision for suspension will be communicated in writing.