



Ministry of Economic Affairs  
and Climate Policy

## **Tender Document**

### **Invitation to tender in accordance with the European open procedure for the 3D- UHRS Geophysical Survey of the Doordewind Wind Farm Zone**

|                   |                  |
|-------------------|------------------|
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## Definition of terms

|                                       |                                                                                                                                                                                                                                      |
|---------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Tendering authority                   | The Netherlands Enterprise Agency (RVO), part of the Ministry of Economic Affairs and Climate Policy.                                                                                                                                |
| Tender Document                       | This document and all of its annexes.                                                                                                                                                                                                |
| Public Procurement Act                | The Public Procurement Act 2012 ( <i>Aanbestedingswet 2012</i> ).                                                                                                                                                                    |
| Most Economically Advantageous Tender | The Tender that achieves the highest definitive total score based on the best price-quality ratio.                                                                                                                                   |
| Suitability requirements              | The requirements with which Tenderers must comply in order to be eligible to win the tender.                                                                                                                                         |
| Tenderer                              | An entrepreneur or entrepreneurs who have submitted a Tender or is/are planning to submit a Tender. In this document, the word 'you' is taken to mean the Tenderer.                                                                  |
| Tender                                | A quotation submitted by the Tenderer in response to this Tender Document.                                                                                                                                                           |
| IUC-EZK                               | The Procurement Office (IUC) – part of the Netherlands Enterprise Agency (RVO.nl), which in turn is part of the Ministry of Economic Affairs and Climate Policy (EZK) – will serve as process manager during this tendering process. |
| Memorandum of Information             | A document containing all questions asked and answers given, in anonymised form and, if applicable, additional information. This includes the questions and answers submitted via TenderNed.                                         |
| Contracting Authority                 | The State of the Netherlands, represented by the Minister of Economic Affairs and Climate Policy, who concludes the Contract with the Contractor on behalf of the Contracting Authority.                                             |
| Contractor                            | The party with whom the Contracting Authority concludes the Contract.                                                                                                                                                                |
| Contract                              | The written agreement between the Contracting Authority and the Contractor in which the conditions of the assignment are recorded.                                                                                                   |
| Exclusion Ground                      | A circumstance applicable to the Tenderer or a person affiliated with the Tenderer that results in exclusion of the Tenderer from participating in the tendering process.                                                            |
| European Single Procurement Document  | A statement in which the Tenderer declares his compliance with the requirements specified in this document.                                                                                                                          |

## **Specific Terminology**

CLIENT, as used in the LOGIC

Contracting Authority

HSE

Health Safety & Environment

LOGIC

The General Conditions of Contract - LOGIC General Conditions of Contract for Services (On- and Off-shore) Edition 3 – March 2019. Annex [5] – Section II.

DDWWFZ

Doordewind Wind Farm Zone

Scope of Work (SoW)

All the work that the CONTRACTOR is required to carry out in accordance with the provisions of the Contract, including the provision of all materials, services and equipment to be rendered in accordance with the Contract.

SS

Seabed Survey (SSS, MBES and MAG).

WORK

All the work that the CONTRACTOR is required to carry out in accordance with the provisions of the Contract, including the provision of all materials, services and equipment to be rendered in accordance with the Contract.

# 1. Introduction

The Tender Document at hand contains information regarding this invitation to tender conducted in accordance with the European open procedure for executing the 3D-UHRS geophysical survey at the Doordewind Wind Farm Zone (DDWWFZ).

Following the failed European tender for Lot 3 of June 21, 2023 3D-UHRS geophysical survey, this European tender is being carried out. In this European tender changes have been made to the technical and financial requirements. The legal requirements are standard, but the Tenderer is allowed to submit questions and amendments to the Memorandum of Information. Contracting Authority will seriously consider these questions and amendments for adjustment of the final Contract.

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

## 1.1 Tendering Authority and IUC-EZK

This tendering process is being conducted on the instructions of the Netherlands Enterprise Agency (In Dutch: Rijksdienst voor Ondernemend Nederland – RVO).

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

The Netherlands Enterprise Agency encourages entrepreneurs in sustainable, agrarian, innovative and international business. It helps with grants, finding business partners, know-how and compliance with laws and regulations.

The Netherlands Enterprise Agency is part of the Ministry of Economic Affairs and Climate Policy and focuses on providing services to entrepreneurs. It aims to make it easier to do business using smart organisation and digital communication. The agency works in The Netherlands and abroad and co-operates with governments, knowledge centres, international organisations, and countless other partners.

More information about the Netherlands Enterprise Agency can be found on [www.rvo.nl](http://www.rvo.nl) and <http://english.rvo.nl/>.

## 1.2 Reason for this invitation to tender

As part of its climate goals, the Dutch Government aims to have 21 GW of offshore wind energy capacity installed around 2030. Offshore wind farms will be built within designated Wind Farm Zones. Wind farms outside these Wind Farm Zones are prohibited. Within the designated Wind Farm Zones, the government defines the specific Wind Farm Sites (WFS) where wind farms can be constructed, using a so-called Wind Farm Site Decision ('Kavelbesluit'). This Wind Farm Site Decision contains all conditions for building and operating a wind farm on that specific site.

The Dutch Government provides comprehensive site data for the Wind Farm Sites and Dutch transmission system operator TenneT TSO B.V. is responsible for the grid connection. Wind farm developers can apply for tenders for the permits to build, operate and decommission a wind farm according to a Wind Farm Site Decision. Winners of these permit tenders will be granted a permit and a grid connection to the mainland. RVO is responsible for the delivery of the site data, which can be used for the preparation of bids for these tenders.

RVO has started preparations for several Wind Farm Sites to be developed, namely at IJmuiden Ver Wind Farm Zone (IJVWFZ), Doordewind Wind Farm Zone (DDWWFZ), Nederwiek Wind Farm Zone (NWWFZ) and Hollandse Kust (west) Wind Farm Zone (HKWWFZ) in line with the Offshore Wind Roadmap 2030+.

The Government anticipates 4-6 GW of installed wind capacity in the DDWWFZ in addition to 6 GW in IJVWFZ, 6 GW in NWWFZ and 700 MW in HKWWFZ (in addition to the 1,5 GW already planned there). Further information on the Investigation Areas, legislative framework and the designated

offshore Wind Farm Zones in the Netherlands can be found in Annex [5], Section IV Scope of Work and Annex [5], Section VII Starting Points & Assumptions.

RVO has been requested to prepare, collect, and publish comprehensive site data for the abovementioned Wind Farm Zones, which wind farm developers can use to prepare a competitive bid. The site data should be of sufficient detail and quality to be used as input for preliminary engineering design studies. Site data includes detailed information on the soil conditions.

The objective of this Tender is to conclude an agreement with one Tenderer who is able to carry out the geophysical survey required to obtain relevant soil information at the DDWWFZ, outside the twelve-mile zone, calculated from the Dutch coast. This information will be used in other site characterisation studies, such as a preliminary ground model, and will be published on the RVO website.

The Contracting Authority wishes to conclude an agreement with the Tenderer who has submitted the most economically advantageous tender (based on the best quality/price ratio). The future Contractor(s), as well as the services/products to be performed/delivered by the Contractor(s), must fulfil the terms and conditions set by the Contracting Authority and specified in this Tender document.

The acquired geophysical survey data shall be used to construct the Geological Ground Model and to establish the variation within soil engineering properties in a geotechnical interpretative report, required by wind farm developers to prepare the permit tender bid. The objective of the integrated geological model (IGM) is to provide adequate input for the design and installation of the turbine monopile foundation as well as the design and installation of the infield cable array for the future construction of wind farms, outside the twelve-mile zone, calculated from the Dutch coast.

### **1.3 Time schedule**

The schedule below applies to this tendering process.

|                                                  |                                                                                                                                                                                                                                                                                   |
|--------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10 November 2023                                 | Issuing of publication, start of tendering period.                                                                                                                                                                                                                                |
| 24 November 2023 before 12:00h CET               | Closure of round of questions: deadline for the Tenderer to submit questions regarding this Tender Document the Contract (including the general terms and conditions) and/or proposals for textual amendments to the draft Contract (including the general terms and conditions). |
| 8 December 2023                                  | Issuing of Memorandum of Information                                                                                                                                                                                                                                              |
| 22 December 2023 before 12:00h CET               | Deadline for the receipt of Tenders and opening of new Tenders by the Tendering Authority.                                                                                                                                                                                        |
| 22 December up to and including 25 January 2024. | Assessment of Tenders.                                                                                                                                                                                                                                                            |
| 26 January 2024                                  | Announcement of the award of the Contract.                                                                                                                                                                                                                                        |
| 16 February 2024                                 | Deadline for asking questions and/or filing an application for a preliminary injunction in relation to the announcement of the award of the Contract.                                                                                                                             |
| 10 February 2024                                 | Deadline for the winning Tenderer to provide the evidence requested by the Tendering Authority.                                                                                                                                                                                   |
| 19 February 2024                                 | Starting date of Contract.                                                                                                                                                                                                                                                        |

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

## 2. Description of assignment

### 2.1 Description and objective of the assignment

This assignment includes executing a geophysical investigation with 3D-UHRS survey spread (3D-UHRS, MBES) at the investigation area named IA-DDW-3DUHRS.

More detailed information concerning the specifications of the assignment can be found in Annex [5] Contract Documents, including all sections:

- (I) Draft Agreement
- (II) Conditions of Contract
- (III) Remuneration
- (IV) Scope of Work
- (V) Health Safety & Environment (HSE)
- (VI) Quality and Administrative instructions and Requirements. Zip file including:
  - Template-Contractor-Technical-Query
  - Template-Document-Review-Form
  - Template-Personnel-Replacement-Form
  - Template-Variation-Proposal form
  - Template-Variation-Request form
- (VII) Starting Points and Assumptions. Zip file including:
  - GIS map (MPK-files)
  - Persistence tables (IA DDW).
  - Documents KEC4.0

### 2.2 Lots

The invitation to tender has not been divided into lots, because of the nature of the work.

The geophysical acquisition of the Investigation area is seen as a single assignment and would not be effective if separated in multiple lots.

### 2.3 Contract Period

The anticipated commencement date of the Contract is 6 February 2023. The end date is set at 31 December, 2025.

CONTRACTOR will have the flexibility to select the most convenient schedule within this contract period to perform the WORK. The WORK offered shall be conducted in a single campaign.

The WORK shall not be interrupted to perform WORK outside of this contract without written approval from Contracting Authority.

### 2.4 Scope of the assignment

The Tendering Authority has estimated the minimum contract value at 10,000,000 EUR and maximum contract value at 17,000,000 EUR (both exclusive of VAT).

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

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

### 3. Requirements to this assignment

This section includes the requirements set by the Tendering Authority concerning the requested services and the prices and rates.

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

#### 3.1 Requirements relating to execution of the WORK

- A tender for this Tender will only be accepted by the Contracting Authority if it has been submitted in a legally valid manner, if you have motivated in your Tender that the services to be performed by you have a function or are related to or are necessary for the future construction of wind farms, outside the twelve-mile zone, calculated from the Dutch coast.
- Tenderer is willing and able to execute the WORK regarding the geophysical site investigations that need to be carried out under the Contract. Tenderer is willing and able to execute the WORK in compliance with the Scope of Work (SoW) as described in the documents as presented in Annex [5], Section IV Scope of Work.
- The WORK related to the investigations to be conducted will be executed in accordance with (the latest version of) the project documentation produced by Contractor and subject to approval by the Contracting Authority, unless the Contracting Authority has given permission in writing to do otherwise.

#### 3.2 Requirements relating to vessel(s) and equipment

Materials and equipment or parts thereof provided by the Tenderer must be of good quality and workmanship, in a good state of repair, with up-to-date calibrations where required by recognised standards and/or good working practice and fit for the intended purpose.

##### Requirements all survey vessel(s):

- Vessel(s) must be capable of continuous operation during 7 days a week, 24 hours a day.
- Each offered vessel must be capable of undertaking the WORK as specified in Annex [5], Section IV Scope of Work.
- It is up to the Tenderer to propose the number of vessels; There is no maximum to the number of vessels.

##### Specific requirements manned survey vessel(s):

- For manned vessel(s) Contractor must submit prior to mobilisation an independent inspection report that includes 'Checklist Based on Approved Code of Practice for Workboats' as specified in 'IMCA M 189 Issue 6.1 (December 2022), IMCA S 004 Issue 6.1 (December 2022)'. This inspection report should not be older than six months and all items in the checklist are answered with 'Yes' or 'N/A'.
- Vessel(s) must have adequate capacity and facilities for:
  - accommodating (berths and workspace) for both marine and survey crews including two Client Offshore Representatives (to be provided by the Contracting Authority) for working in two 12 hours shifts per day;
  - onboard QC (Quality Control) and all required processing for Quality Assurance;
  - storage and bunkering capacity for spares, consumables and fuel.

Requirements equipment: Equipment for the performance and data storage of 3D-UHRS and MBES must comply as described in Annex [5], Section IV Scope of Work. This includes an appropriate spares inventory, which should be deployed and ready for use on the survey vessel.

*Requirements equipment regarding environmental exemption:*

- Contracting Authority shall ensure that an environmental exemption (underwater noise) is obtained to use required acoustic equipment inside DDWWFZ for the duration of the WORK.
- Tenderer shall provide the required documentation (specifications equipment used) to Contracting Authority as part of the tender:

1) Equipment details of any active seismic source (e.g. sparker/boomer), including conservative estimate of the Sound exposure level single strike (SELss) with the operational frequency of the Pulse Length (ms), Angle of transmitted beam, Energy range (J) and operational Energy (J) for the application of environmental exemption (underwater noise).

2) Method statement describing the soft start procedure containing:

- a. Use of Acoustic Deterrent Device (ADD) for (harbour) porpoises, when the survey starts, and when sub bottom profilers are not used for more than 4 hours.
- b. Minimum use of the Acoustic Detergent Device (ADD) for 5 minutes.
- c. Soft start procedure of the sub bottom equipment with description of duration and power settings of the equipment to allow porpoise mammals to leave site based on a transit speed of 7,5 km/h.
- d. A stop of use of all acoustic equipment in case a porpoise mammal is spotted from the vessel bridge.

### **3.3 Requirements relating to compliance**

The vessel(s) and equipment used for the purpose of executing the WORK must comply with the specifications that are included in the Tender of the Tenderer.

Variations in vessel(s), tools, and equipment with respect to those proposed in the Tender after commencing the Contract is subject to explicit approval by Contracting Authority.

Any variation must, as a minimum, provide the same or better quality and/or performance than the vessel(s), tools, and equipment included in the Tender.

Judgement as to the suitability of the vessel(s), tools, and equipment proposed shall be at the discretion of Contracting Authority. Variations after commencing the Contract, must therefore fulfil the requirements listed in section 3.2 and assessment of the variation according to the relevant preferences in section 5.2.3 must be compliant with the awarded score of the original Tender. For performance of an alternative vessel, Contracting Authority will assess if the size, workability, sailing characteristics, and possibilities to deploy equipment are equal or better.

### **3.4 Requirements relating to personnel**

All personnel involved in the execution of the WORK (data acquisition, data processing, interpretation, and reporting) must:

- Have contributed to at least one relevant offshore geophysical survey using the equipment (including software) as proposed in this tender. If offered equipment and/or software is new and does not have a track record yet, expertise with an equivalent together with appropriate training prior to survey is required, and if this is survey critical then details and proof of training is required.

Have been trained for working in the offshore environment as demonstrated by their CVs.

- Have (medical) certificates valid for the duration of the contract, to perform work in the Dutch North Sea, including as a minimum BOSIET (Basic Offshore Safety Induction and Emergency Training) or equivalent.
- Have a working permit (the right to work in the investigation area of DDWWFZ) valid for the duration of the contract.
- All key personnel as submitted in Annex [3a] should have at least 5 years' experience or have conducted 3 similar projects in the same role.

Variations in personnel to those proposed in the Tender *after* commencing the Contract is subject to prior approval by Contracting Authority. Contractor can offer variation in personnel (e.g. replacements) by means of Annex [5], Section VI Quality Requirements attachment 5: Template-Personnel-Replacement-Form, five days prior to the personnel being included in the project. Any variation must as a minimum provide the same or better qualifications and experience as proposed in the Tender.

The staff that the Tenderer must have at his disposal do not necessarily have to be permanent employees: they can also be professionals with a different type of employment relationship, provided their skills and expertise are (demonstrably) available to the Tenderer during the fulfilment of the Contract.

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

For every job profile, the Tenderer must provide evidence proving that he has access to a sufficient number of staff members (i.e. greater than or equal to the minimum required number) who hold the qualifications specified for each function in the 'Qualifications of the (key) project members' annex (Annex [3a]). The Tenderer can use documents such as CVs as evidence. These CVs can be anonymised, although they must clearly demonstrate that the advisors in question comply with the qualification requirements specified in Annex [3a]i.

### 3.5 Requirements relating to the prices/rates

3.5.1 The Tenderer will provide an overview of the prices and rates applicable to this assignment by filling in the appendix entitled 'Annex [4], Cycle times and Prices/Rates'. By completing the Annex [4], Tenderer gives an overview of all maximum prices and rates for executing the work under the Contract. A number of items are important when filling in Annex [4]:

- Bandwidths will not be accepted.
- The offered prices and rates are excluding VAT.
- The offered (maximum) prices and rates comply with the conditions as laid down in the provisions of the Contract, as per Annex [4] Cycle Times and Prices/Rates.
- Maximum and minimum prices for the total contract:
  - **Prices higher than the maximum and lower than the minimum prices stated in Section 2.4 of this document will be set aside by the Contracting Authority and will not qualify for award of the Contract.**

3.5.2 The price/rates must be all inclusive. In any event, they must include all of the following: wage costs, overheads (e.g. accommodation and wage costs for support staff), costs relating to the use of equipment and machinery during the assignment, insurance costs, any applicable costs for e-invoicing, and local travel and accommodation expenses.

3.5.3 The Contractor is eligible to receive payment from the Contracting Authority for a part of its fuel costs under the following conditions:

- Calculation of the fuel costs for which the Tenderer can send a payment application:

- The baseline fuel bunkering price, as measured by the Rotterdam Bunker Prices LSMGO index<sup>1</sup> in US\$ per m<sup>3</sup> at the date of the Tender submission deadline, is defined as [A]
  - The actual fuel bunkering price, as measured by the Rotterdam Bunker Prices LSMGO index in US\$ per m<sup>3</sup> at the date of the actual fuel bunkering for the WORKS, is defined as [B]
  - The amount of fuel (in m<sup>3</sup>) used during the days for the offshore WORKS as confirmed by the Tenderer in Annex [4], Cycle times and Prices/Rates is defined as [C]. For any days that the offshore WORKS take longer, Contracting Authority will not pay any fuel cost.
  - For clarity, the Contractor is eligible for payment of fuel cost which, at the time of actual bunkering for the WORKS, exceeds [A] plus 20% during the offshore WORKS period as in Annex [4], Cycle times and Prices/Rates resulting in the following formula:  $([B] - [A]) \times C$ ; under condition that [B] is larger than [A] x 1.3
- The actual LSMGO fuel bunkering price is evidenced by bunkering certificates and bills;
  - The actual fuel usage during the offshore WORKS is evidenced;
  - The fuel bunkering takes place at the port from which the WORKS are executed.
  - Any proposed amendments to the price that the Contractor wishes to make must be submitted in writing to the Contracting Authority. The proposal submitted by the Contractor must be accompanied by bunkering certificates and bills and contain a reference to the Contract in question with the Contracting Authority. The proposal must contain a summary of both the current prices and rates and the new prices and rates. The Contracting Authority will inform the Contractor in writing of the decision regarding whether or not to accept the new prices and/or rates.

Indexing of the rates specified within, Annex [4], Cycle times and Prices/Rates is not permitted.

### 3.5.4 Indexation

Indexation of the unpaid Payment Milestones is agreed in case the Contract period is extended. In case the option to extend the Contract is invoked, the prices and rates can be adjusted once, at least 3 months before the end of the Contract. Requests for indexation can be addressed to [contractmanagement@RVO.nl](mailto:contractmanagement@RVO.nl).

The prices and rates can be adjusted in line with the index figure set by Statistics Netherlands (CBS StatLine) applicable to collectively negotiated hourly wages (including special bonuses) in the business services sector. For this purpose, the monthly figure for the most recently published month is used and the index for the starting month of the Contract is set as 100%.

The request for indexation submitted by the Contractor must be itemised, accompanied by a printout from CBS StatLine, and contain a reference to the Contract in question with the Contracting Authority. The proposal must contain a summary of both the current prices and rates and the new prices and rates. The Contracting Authority will inform the Contractor in writing of the decision regarding whether or not to accept the new prices and/or rates. The Tenderer will not submit any zero or negative prices/rates.

### 3.6 Requirements relating to cycle times

By completing the Annex [4] (Cycle times and Prices/rates) of this Tender Document Tenderer provides a specification of maximum cycle times (terms) that apply to relevant parts of executing the WORK.

**Tenders with an end date later than specified in Annex [4], Cycle times and Prices/Rates will be set aside by the Contracting Authority and will not qualify for award of the Contract.**

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<sup>1</sup> <https://shipandbunker.com/prices/emea/nwe/nl-rtm-rotterdam#LSMGO>

### **3.7 Tax-related requirements**

- 3.7.1 The Contractor indemnifies the Contracting Authority against any claims from the Dutch Tax and Customs Administration (*Belastingdienst*) or other tax authorities.
- 3.7.2 The Tenderer will quote the prices according to the following structure:
- the amount excluding Dutch VAT and any VAT due outside the EU;
  - the amount of Dutch VAT due (if applicable) and the amount of any VAT due outside the EU, and;
  - the amount including Dutch VAT (if applicable) and any VAT due outside the EU.
- 3.7.3 The Contracting Authority is of the opinion that VAT is not applicable because the work performed under this commission is required for wind farm developers to prepare the permit tender bid. The objective is to provide adequate information for the future construction of wind farms, outside the twelve-mile zone, calculated from the Dutch coast. If you are of the opinion that VAT does apply, you must ask your VAT inspector within one (1) month of the start of the agreement whether or not VAT is indeed due. This must be done by means of a written statement to the VAT inspector. If the VAT inspector's ruling is that VAT must be paid, the Contracting Authority will reimburse the VAT due, contrary to what has been established above.
- 3.7.4 Contractor is liable for any extra costs for Dutch and/or foreign VAT due if Contractor incorrectly charges no VAT or an incorrect amount of VAT to the Contracting Authority. If applicable, Contractor is liable for accurate payment of VAT in the Netherlands and outside the EU, with the exception of the case stipulated in the following sentence. If the Contracting Authority procures a service from a foreign business and Dutch tax law considers the work to have been performed in the Netherlands, then the Contracting Authority is liable for the payment of VAT to the Dutch Tax and Customs Administration for this/these service(s) performed in the Netherlands.
- 3.7.5 You guarantee that the amounts specified in the quotation are inclusive of all taxes and levies (including amounts considered equivalent to taxes or levies), regardless of their description and wherever in the world they may have been levied.
- 3.7.6 Contractor indemnifies the Contracting Authority against any claims from any tax authority for any taxes, levies or contributions considered equivalent to taxes or levies, originating from either the Netherlands or outside the Netherlands.
- 3.7.7 If Contractor believes that work is being taxed simultaneously (in part or in full) in both the Netherlands and a foreign country (outside the EU), then Contractor agrees to provide evidence from the foreign tax authorities in question that prove VAT has been levied on one of the services/amounts substantiated by you in the quotation. Contractor will provide this statement in English. If the statement from the foreign tax authorities is not in English, then you agree to provide a sworn translation of this statement, the costs of which will be borne by you.

### **3.8 Invoicing requirements**

#### **3.8.1**

#### **For companies established in the Netherlands only**

##### E-invoicing

The general terms and conditions that apply to this contract contain a provision that invoices must be sent electronically (not in pdf). This can be done in 3 different ways:

- The invoicing portal of the Dutch government
- E-invoicing with your own (accounting) software package through Peppol
- E-invoicing through a service provider.

#### **For companies not established in the Netherlands**

The paragraph concerning e invoicing does not apply to companies located outside of the Netherlands.

### 3.9 Environmental requirements

The Tenderer must possess all environmental permits required in order to fulfil this assignment

### 3.10 Requirements relating to social return

Social goals are no longer a side issue in the tendering process, but are becoming an essential part of the process. This is apparent in the government's procurement strategy 'inkopen met impact'<sup>2</sup> ('procurement with impact') and the National Plan for Socially Responsible Procurement 2021-2025<sup>[2]</sup>. The agreements to be concluded as a result of this tender, therefore, provide the possibility for the Contracting Authority, together with Contractors, to stimulate social developments that contribute to the realization of policy goals or social effects that the Dutch government considers important. Contractors are expected to contribute to these goals. This is possible through so called social return pilot projects. The pilot projects can only be carried out in coordination with and after acceptance of proposals by the Contracting Authority.

#### *Social return pilot projects*

The aim of the social return pilot projects is to realise social goals. This can be done by additionally employing people with a distance to the labor market and/or improving their prospects for work and income. The pilot projects give the Contractor room for customization, experimenting with form-free interpretation and/or serving a broad selection of social objectives. They can be related to the assignment(s) in the agreement. Think, for example, of training and supervising people from specific target groups. In order to help them in their personal development and to help them gain a better perspective on a suitable job.

Examples of social return pilot projects can be found at [www.maatwerkvoormensen.nl](http://www.maatwerkvoormensen.nl) (in Dutch only)

#### *Specific requirements for the social return pilot projects*

After the award of the Contract, the Contractor agrees to submit, within 30 days after the start of the contract, a proposal (project plan) for the arrangement and implementation of a social return pilot project. The Contractor has room to translate its own ambitions/ideas for delivering social impact into a concrete proposal for a pilot project. This proposal is in line with the possibilities and wishes of the Contracting Authority and offers the Contractor the opportunity to realise these ambitions. The goal for the (additional) social impact to be achieved with this project is concrete, ambitious, yet achievable and realistic. The proposal for a social return pilot project will become part of the agreement after coordination with and acceptance by the Contracting Authority. You will then carry out the social return pilot project on the basis of a best efforts obligation.

The pilot project has a wage bill of approximately 0.4 percent of the contract value.

The social return pilot project must not involve crowding out or unfair competition in the labour market, whereby the social impact achieved is at the expense of other people's jobs.

In a general sense, the pilot project is in line with government policy.

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<sup>2</sup> <https://www.rijksoverheid.nl/documenten/kamerstukken/2019/10/28/kamerbrief-over-inkoopstrategie-rijksoverheid>

## 4. Requirements concerning the Tenderer

### 4.1 Introduction

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

You can indicate whether or not the 'Exclusion Grounds' apply to you and whether or not you are in compliance with the 'Suitability Requirements' by completing the 'European Single Procurement Document' (Annex [1]).

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

### 4.2 Exclusion Grounds

The following Exclusion Grounds are specified in the Annex [1] 'European Single Procurement Document':

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

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

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

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

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

The evidence consists of:

1. Extract of Trade Register (no older than 6 months see §4.3)
2. 'Certificate of Conduct for procurement' ('Gedragsverklaring Aanbesteden' -no older than 2 years)
3. Tax statement (no older than 6 months)

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

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

### 4.3 Suitability Requirements

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

By signing the Annex [1] 'European Single Procurement Document' (which uses the term 'Selection Criteria' to refer to the Suitability Requirements), the Tenderer declares that he complies with the

Suitability Requirements as specified in this subsection of the Tender document. These Suitability Requirements are further specified in the subsequent paragraphs in this section.

#### **4.3.1 Financial and economic standing**

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

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

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

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

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

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

#### **4.3.2 Reference data (technical qualifications)**

The Tendering Authority has set the following core competences, which demonstrate experience with essential aspects of the assignment (see Annex [2]):

1. Provision of vessels, personal and equipment suitable for the execution of 3D-UHRS site investigations, processing, and comprehensive reporting for an offshore geophysical site investigation in order to obtain high resolution geophysical information to 100 meter depth that is suitable for development, engineering, and installation purposes for an offshore wind farm involving the acquisition of;
  - High resolution bathymetry data using a Multi-Beam Echo Sounder (MBES), and;
  - 3D Ultra-High Resolution Multi-Channel Seismic, using a source of power suitable for the depth of interest, and;
2. Evidence of execution of an investigation shall be provided in which expert knowledge of the upper 100 meter of the North Sea basin (seabed morphology, geology) or sites with similar conditions with appropriate justification.

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

- The subject of the reference assignment must be comparable to the core competence in question.
- The reference assignment must have been executed or completed within the five years prior to the closing date for the submission of tenders. If the Tenderer uses an assignment that is not yet fully complete, then only the completed results of the ongoing assignment can be submitted for reference purposes: projected results cannot be taken into consideration.
- The size of each investigated area that is part of the object of reference, is at least 5 km<sup>2</sup>.
- The total value of the reference assignment(s) must be at least EUR 1,000,000.
- This reference-assignment value must exclusively consist of the value of the aspects of the assignment that are equivalent to the product and service specified in this document. In case a series of separate yet significantly comparable assignments were carried out for the same client during the reference period, then the turnover of these separate assignments can be combined into a cumulative total.

Assignments including one or more subcontractors can only be used as reference assignments if the subcontractor(s) in question will be involved in the fulfilment of the Contract and if the Tenderer can and will make use of the knowledge and experience of the subcontractor(s) in question during the fulfilment of the assignment.

**Evidence:**

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

The references need to be submitted as part of the Tender and demonstrate that they have a value of at least the amount stated in the table above.

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

### **4.3.3 Health, safety and environment/HSE (technical competency)**

By signing the 'European Single Procurement Document', the Tenderer states that:  
the Tenderer has a valid and certified Health, Safety & Environment (HSE) management system which is certified to VCA (SCC) and/or OHSAS 18001 and/or an equivalent certificate with regard to health and safety management, for which the certificate has been issued by a certification institution recognised by the (inter)national accreditation structure;

Or:

that the Tenderer has a Health, Safety & Environment (HSE) management system that is at least equivalent to a certified HSE system with regard to health and safety management, subject to approval by the Contracting Authority. The term 'equivalent' should be interpreted as at least 'having the following attributes':

- health & safety standards are embedded organisation-wide (in policy), adopted by the responsible management, and promoted by that management. That management is also responsible for the proper set-up, implementation, and control of the health & safety policy;
- comprehensive insight in health and safety risks/hazards applicable to the business operations and insight in the health and safety performance (data);
- insight in where the business operations impact the health and safety risks and how to eliminate or control/reduce the health and safety risks/impact;

- the presence of a periodical and independent verification/audit of the compliance with the agreements on health and safety performance and the effectiveness of the health and safety measures;
- the presence of reports on the compliance with the agreements on health and safety performance;
- the presence of plans and the execution of actions to further reduce the health and safety risks;

If the Tender is submitted by a partnership (consortium), then each participant in the partnership must individually meet the requirements concerning HSE.

Evidence (do not submit with the Tender. Provide only upon request)

The fulfilment of the HSE requirements can be demonstrated by:

- presenting the most recent audit report or a copy of the certificate(s) of the HSE management system for which the certificate has been issued by a certification institution recognised by the (inter)national accreditation structure.

Or:

- a description of your Health, Safety and Environment (HSE) system in which you demonstrate that this system is at least equivalent to a certified HSE system with regard to health and safety management. The term 'equivalent' should be interpreted as specified in the paragraph 'Health, Safety & Environment'. In your description, you must deal in more detail with the issues mentioned in that paragraph and the description must show the equivalence.

If the Tender is submitted by a partnership (consortium), then *each participant* in the partnership must individually demonstrate that it meets the requirements concerning HSE.

#### **4.3.4 Quality assurance (technical qualifications)**

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

That he has a quality-assurance system that is at least equivalent to a certified quality-assurance system. By 'equivalent', we mean the following:

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

Or:

- That the Tenderer possesses a validly certified quality-assurance system, the certificate for which was drawn up by a certification institution recognised within the national or international accreditation structure, such as the European standards series EN 45000.

In the event that your Tender involves a collaboration between organisations, see Section 7.3.17 'Submission of a Tender in collaboration with other organisations'.

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

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

Or:

Provision of the latest audit report or a copy of a certificate or certificates for the quality-assurance system that was/were drawn up by a certification institution recognised within the national or international accreditation structure, such as the European standards series EN 45000.

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

#### **4.3.5 Environmental protection (technical qualifications)**

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

- That he has an environmental protection system that is at least equivalent to a certified environmental protection system. By 'equivalent', we mean the following:
  - Environmental protection is embedded in the entire organisation (by means of policy), adopted by the responsible department and executed by this department. This department also bears responsibility for the correct design, execution, and management of this environmental policy.
  - Full insight into the environmental legislation applicable to the company's business activities and compliance with this (based on inspections and action taken in response to the inspection results).
  - Insight into the exact areas in which these business activities impact the environment and how this impact can be reduced.
  - Possession of plans and execution of activities to further reduce environmental impact.
  - Performance of a periodic and independent audit concerning compliance with environmental protection agreements.
  - Availability of a report concerning compliance with environmental protection agreements.

Or:

- That the Tenderer possesses an environmental protection system for which he holds a valid certificate as referred to in the EMAS Directive, such as the ISO 14001 certificate.

In the event that your Tender involves a collaboration between organisations, see Section 7.3.17 'Submission of a Tender in collaboration with other organisations'.

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

Compliance with these environmental protection requirements can be demonstrated by means of:

- A description (max. two A4 sides, either single or double-sided) of the environmental protection system in place at your organisation that demonstrates that this system is at least equivalent to a certified environmental protection system. The subsection entitled 'Environmental Protection' explains what is meant by the term 'equivalent'. Your description must address all of the points specified in the 'Environmental Protection' subsection and demonstrate the system's equivalence or more.  
Or:
- If and to the extent they are applicable, the environmental permit(s) required for the fulfilment of this Contract.
- Provision of a copy of a valid certificate as referred to in the EMAS Directive, such as the ISO 14001 certificate in the Netherlands.

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

#### **4.4 Professional/trade register extract**

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

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

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

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

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

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

## 5. Award criteria and assessment

### 5.1 Introduction

This Section concerns the award criteria. The Tenders are assessed based on the award criteria. Your response to the award criteria must be included in your Tender. In your response, you must take into account the requirements set in Section 3.

A maximum of 100 points can be obtained for your response to the award criteria.

### 5.2 Quality criteria

The award criteria are listed in the table below. Moreover, the maximum number of points that can be obtained for each sub-criterion are listed in the table below.

| Paragraph number | Subject                                                                    | Maximum number of points to be obtained |
|------------------|----------------------------------------------------------------------------|-----------------------------------------|
| <b>§ 5.2.1</b>   | <b>Award criteria relating to Project Documentation</b>                    | <b>21</b>                               |
|                  | Project Implementation Plan                                                | 7                                       |
|                  | HSE Management Plan                                                        | 4                                       |
|                  | Quality Management Plan                                                    | 7                                       |
|                  | Sustainable campaign                                                       | 3                                       |
| <b>§ 5.2.2</b>   | <b>Project team composition: Annex [3a]</b>                                | <b>18</b>                               |
| <b>§ 5.2.3</b>   | <b>Award criteria relating to survey quality</b>                           | <b>35</b>                               |
|                  | Survey vessel(s): Annex [3b]                                               | 10                                      |
|                  | Survey equipment; Annex [3b]                                               | 10                                      |
|                  | Acquisition parameters; Annex [3c]                                         | 15                                      |
| <b>§ 5.2.4</b>   | <b>Award criteria relating to Cycle times: Annex [4]</b>                   | <b>6</b>                                |
|                  | Delivery (cycle time) of offshore processed survey data and interpretation | 6                                       |
| <b>§ 5.3</b>     | <b>Award criteria relating to Prices/Rates: Annex [4]</b>                  | <b>20</b>                               |
|                  | <b>Total</b>                                                               | <b>100</b>                              |

#### 5.2.1 Award criteria relating to Project Documentation

Tenderer is requested to provide project documentation detailing Tenderer's approach regarding the execution of the WORK, consisting of a Project Implementation Plan, an HSE Management Plan and a Quality Management Plan. The contents of the required project documentation DDWWFZ are detailed in Annex [5], Sections IV Scope of Work, V HSE Requirements and VI Quality Requirements & Administrative Instructions.

Elements of the required project documentation can be arranged according to the preferences of the Tenderer but will be scored according to the assessment criteria described in the table below.

Tenderer should provide clear indication of the location within the Project Documentation of the material relevant to the assessment criteria described in the table below, via a bridging table if necessary.

Generic descriptions in the plan are linked to project specific context. Information that will be added to the plan will be provided with (explicit) time bound plan providing insight when generic information will be updated upon /after award of the contract. It is required to complete the plan before the technical kick-off meeting or 3 weeks prior to the planned mobilisation date.

The assessment of the project documentation will be based on the documents submitted. Therefore, the Tenderer is requested to include all necessary project information in these documents. It is advised not to include other documents in the Tender in order to prevent that relevant information is not considered in the assessment.

The Contracting Authority recommends minimising repetition of text across documents to ensure consistency and efficiency.

| Maximum number of points to be obtained | Assessment criteria                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-----------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 7                                       | <p>The Project Implementation Plan is assessed on the following aspects jointly for the extent to which:</p> <p>The content of the plan includes a project specific description how all elements of the Annex [5], Section IV Scope of Work will be executed. The plan should be detailed and project specific.</p> <p>The survey design, line plan, acquisition and data processing set-up have been thoroughly worked out and described to demonstrate that the survey objectives (see Annex [4], Cycle times and Prices/Rates and Annex [5], Section IV Scope of Work) will be achieved in an efficient manner and costings and timings are plausible. The total amount of survey kilometres needs to be clearly stated in the plan.</p> <p>Proposed equipment in relation to weather limitations will be judged on feasibility as well as the proposed method for survey and line spacing related to the quality requirements.</p> <p>A time schedule as indicated in Annex [4] specifying the timing of the survey operations should be provided as part of the Project Implementation Plan.</p> <p>The survey design and vessel(s) configuration are suitable for efficient data acquisition, while avoiding interference between simultaneously deployed sensors and methodology is described in adequate detail to demonstrate this.</p> |
| 4                                       | <p>The HSE Management Plan is judged by assessing the following aspects jointly for the extent to which:</p> <p>The HSE Management Plan contains a description of the elements required to be included under the provisions of the Contract, including Annex [5], Section V HSE Requirements. The HSE Management plan is detailed, project specific and the processes described are SMART (specific, measurable, achievable, realistic, and time-bound).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 7                                       | <p>The Quality Management Plan is judged by assessing the following aspects jointly for the extent to which:</p> <p>The Quality Management Plan contains an adequate description of the elements as required to be included under the provisions of the Contract, Annex [5], Section IV Scope of Work. The plan specifies in detail how the proposed vessel and equipment will ensure the data quality meets the requirements of Annex [5], Section IV Scope of Work.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

|   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|---|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|   | <p>The Quality Management Plan specifically includes a description of how the results of individual measurements will be compared and integrated into the overall ground model during the interpretation stage.</p> <p>The Quality Management Plan details specifically the quality control of processing the seismic data, presenting how consistency will be ensured (e.g. Interface management between subcontractors/differing business units).</p> <p>The Quality Management Plan should include at least the following items (items will be judged on completeness of provided information and suitability for this project):</p> <ul style="list-style-type: none"> <li>• raw data quality control procedures;</li> <li>• positioning/navigation quality control procedures,</li> <li>• instrument calibration procedures,</li> <li>• data acquisition quality control procedures,</li> <li>• procedures for data storage and transfer to shore,</li> <li>• possibility for data transfer between vessels (if applicable to your Tender),</li> <li>• data processing quality control procedures,</li> <li>• interpretation quality control/cross-checking procedures,</li> <li>• reporting and deliverables quality control procedures and the proposed procedures are adequate;</li> </ul> <p>The Quality Management Plan should be detailed, project specific and the processes described are SMART (specific, measurable, achievable, realistic, and time-bound).</p> |
| 3 | <p>Sustainable execution of survey campaign. This part of the execution plan will be assessed on the basis of a project specific description/proof is provided of an efficient campaign minimizing emission (e.g. use of biofuel), measures taken to prevent loss of equipment, minimisation of use of materials that have a negative impact on the environment (oil, antifouling) and other relevant sustainable aspects.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

### 5.2.2 Award criteria relating to project team

Tenderer is requested to provide an overview of key personnel for both the onshore and offshore teams that are allocated to the WORK.

Annex [3a] is the template for submission of the personnel details.

Contracting Authority requests the following information of the Tenderer as a base for the assessment:

- Annex [3a], Personnel will be the factor in determining the score on this criterion. CVs will be used to check if qualifications and information provided in Annex [3a] are entered correctly. Not providing CVs for offered personnel will lead to a 0% score for these persons as RVO will need the option to check provided information.
- The CVs should contain a description on the roles performed during the work experience. It is important to state in the CV what kind of equipment, data, and software were involved in the projects performed by the proposed key personnel.
- A maximum of 20 personnel can be offered for each team:
- Only the CVs of the key personnel based will be judged in Annex [3a].

Key personnel to be included as a minimum:

#### Onshore team:

- 1 x Project manager;

- 1 x Data processing manager;
- 1 x lead geologist, or geophysicist.

**Offshore team:**

- 2 x (Senior) surveyors;
- 2 x (Senior) (sub) seabed geophysicists.

Requirements related to personnel have been described in Section 3.4 of this document. All details should be submitted by the Tenderer in Annex [3a] as part of the Tender.

If Contractor would like to offer other personnel during the lead time of the Contract replacements should be offered by means of Annex [5], Section VI Quality requirements: Template-Personnel-Replacement-Form. Changes in relation to the project team are to be delivered to RVO for approval prior to use of the new/replacing members, and RVO has at least 3 days for evaluation. Any replacing members should have the same or better qualifications that the member originally offered.

The assessment will be based fully on the composition of the team and the motivation for offered personnel (Annex [3a], Qualifications of the (key) project members);

| Maximum number of points to be obtained | Assessment criteria                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 18                                      | <p>Annex [3a] will be judged by assessing the extent to which the offered team:</p> <ul style="list-style-type: none"> <li>• The composition of the teams as a whole covers the knowledge and experience needed for the execution of the work. The assessment will be based on the description and motivation of the team composition.</li> <li>• Tenderer shall include a motivation why the specific person has been assigned for the task in the specific team and specify this in Annex [3a].</li> <li>• This motivation shall elaborate on: <ul style="list-style-type: none"> <li>- Experience and expertise with the task and role;</li> <li>- Familiarity with the other team members offered;</li> <li>- Familiarity with the vessel;</li> <li>- Familiarity with the equipment, including software and data processing;</li> <li>- Which projects the personnel has worked on.</li> </ul> </li> </ul> |

### **5.2.3 Award criteria relating to vessel(s), equipment, and acquisition parameters**

Tenderer is requested to provide an overview of the vessel(s), the survey equipment, and the acquisition parameters that is/are proposed for carrying out the surveys within the scope of the Contract.

Annex [3b] is a template for submission of details of the vessel and survey equipment. The Contracting Authority will award scoring with the aim that the WORK is executed with state-of-the-art vessel(s) and equipment.

Annex [3c] is a template for submission of details of the acquisition parameters. The Contracting Authority will award scoring with the aim that the WORK is executed with optimal acquisition parameters.

| Maximum number of points to be obtained | Assessment criteria                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                       |       |                |          |                |          |                |          |                |          |                |          |
|-----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|-------|----------------|----------|----------------|----------|----------------|----------|----------------|----------|----------------|----------|
| <u>10</u>                               | <p><u>Survey vessel(s)</u></p> <p>This criterion is judged by assessing the following aspects jointly for the extent by which provided in Annex [3b];</p> <p>Vessel(s) suitability. A dedicated, low-noise geophysical survey vessel(s) with appropriate set up [e.g. a range of towing locations/methods, A-frame(s), propeller noise mitigation] is strongly preferred;</p> <p>Vessel equipment suitability (including positioning and navigation equipment suitability for high vertical and horizontal accuracy data acquisition, and data communications systems suitable for the work);</p> <p>Vessel capability to allow for the envisaged survey equipment to be deployed (parallel) with minimum of disturbances, compromise, or interference;</p> <p>Vessel(s) with already mobilised and ready to use (working and tested) equipment;</p> <p>Vessel stability to ensure good data quality acquisition within workable limits.</p>                                                                                                                               |                       |       |                |          |                |          |                |          |                |          |                |          |
| <u>10</u>                               | <p><u>Survey equipment</u></p> <p>This criterion is judged by assessing the following aspects jointly for the extent by which provided in Annex [3b];</p> <p>The proposed survey equipment (3D-UHRS and MBES; see Annex [5], Section IV Scope of Work regarding definitions equipment) for carrying out the surveys within the scope of the agreement is suitable and effective, also considering the wind farm site characteristics and anticipated operational characteristics;</p> <p>Spare equipment 3D-UHRS and MBES to CONTRACTOR is available in case of breakdowns;</p> <p>Proposed survey configuration should be realistic, based on the proposed weather limitations (Annex [4], Cycle times and Prices/Rates), equipment and in line with the required data quality.</p>                                                                                                                                                                                                                                                                                       |                       |       |                |          |                |          |                |          |                |          |                |          |
| <u>15</u>                               | <p><u>Acquisition parameters for 3D-UHRS data</u></p> <ul style="list-style-type: none"> <li>• This criterion is judged based on a combination of three parameters: Bin size, nominal fold, and maximum offset;</li> <li>• These parameters need to be defined in Annex [3c]</li> <li>• For each parameter a maximum of 5 points can be scored;</li> <li>• The scoring of the bin size will be done as follows (in case of different vertical and horizontal resolution, the largest number will be used; this is rounded off to non-decimal numbers):</li> </ul> <table border="1"> <thead> <tr> <th>Bin size<br/>(rounded)</th><th>Score</th></tr> </thead> <tbody> <tr> <td><u>2 x 2 m</u></td><td><u>5</u></td></tr> <tr> <td><u>3 x 3 m</u></td><td><u>4</u></td></tr> <tr> <td><u>4 x 4 m</u></td><td><u>3</u></td></tr> <tr> <td><u>5 x 5 m</u></td><td><u>2</u></td></tr> <tr> <td><u>6 x 6 m</u></td><td><u>1</u></td></tr> </tbody> </table> <ul style="list-style-type: none"> <li>• <u>The scoring of the nominal fold will be done as follows:</u></li> </ul> | Bin size<br>(rounded) | Score | <u>2 x 2 m</u> | <u>5</u> | <u>3 x 3 m</u> | <u>4</u> | <u>4 x 4 m</u> | <u>3</u> | <u>5 x 5 m</u> | <u>2</u> | <u>6 x 6 m</u> | <u>1</u> |
| Bin size<br>(rounded)                   | Score                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                       |       |                |          |                |          |                |          |                |          |                |          |
| <u>2 x 2 m</u>                          | <u>5</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                       |       |                |          |                |          |                |          |                |          |                |          |
| <u>3 x 3 m</u>                          | <u>4</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                       |       |                |          |                |          |                |          |                |          |                |          |
| <u>4 x 4 m</u>                          | <u>3</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                       |       |                |          |                |          |                |          |                |          |                |          |
| <u>5 x 5 m</u>                          | <u>2</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                       |       |                |          |                |          |                |          |                |          |                |          |
| <u>6 x 6 m</u>                          | <u>1</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                       |       |                |          |                |          |                |          |                |          |                |          |

| <u>Nominal fold</u> | <u>Score</u> |
|---------------------|--------------|
| <u>≥48</u>          | <u>5</u>     |
| <u>42 - 47</u>      | <u>4</u>     |
| <u>36 - 41</u>      | <u>3</u>     |
| <u>30 - 35</u>      | <u>2</u>     |
| <u>24 - 29</u>      | <u>1</u>     |

- The scoring of the maximum offset will be done as follows:

| <u>Maximum offset</u> | <u>Score</u> |
|-----------------------|--------------|
| <u>140 - 150 m</u>    | <u>5</u>     |
| <u>130 - 139 m</u>    | <u>4</u>     |
| <u>120 - 129 m</u>    | <u>3</u>     |
| <u>100 - 119 m</u>    | <u>2</u>     |
| <u>90 - 99 m</u>      | <u>1</u>     |

#### 5.2.4 Award criteria relating to the cycle time of work

Tenderer is required to complete the cycle time format in Annex [4], Cycle Times and Prices/Rates, in which Tenderer specifies the maximum cycle times (terms) that apply to relevant parts of executing the WORK, excluding Waiting on Weather as a result of weather conditions.

The provision of the virtual delivery of the raw/processed data and the provision of the virtual 'Final Geophysical Report for DDW', as referred to in this criterion, are only used for assessment purposes with regard to this tender.

This value is automatically calculated based upon the specified limiting operational conditions of vessel and equipment in combination with the persistence tables for the current site.

| Maximum number of points to be obtained | Assessment criteria                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 6                                       | <p>This criterion is judged by the delivery (cycle time) of processed data and the interpretation.</p> <p>The difference (number of calendar days) between delivering the processed data and interpretation and the desired date set by Contracting Authority, see date Annex [4], as referred to in this criterion, is used for assessment purposes. This difference in calendar days is referred to as 'D'.</p> <p>To determine the score, the following tranches and corresponding formulas are used :</p> <p>A. D has a negative value until 0 days: score = 6 points;</p> <p>B. D between 0 days and 30 days: a score between 0 and 6 points, for which the score = <math>((30-D)/30) * 6</math> ;</p> <p>C. D higher than 30 days: score = 0 points.</p> |

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

Tenderer is requested to complete the schedule of rates and prices format in Annex [4], in which Tenderer specifies the maximum prices and rates that apply to relevant parts of executing the WORK. The virtual 'total price', as referred to in this criterion, is only used for assessment purposes with regard to this tender and will have no meaning during the Contract. The prices and rates are excluding VAT.

| Maximum number of points to be obtained | Assessment criteria                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 20                                      | <p>The Tenderer provides all relevant maximum prices and rates in Annex [4]. By using the relative weightings / virtual quantities as defined by the Contracting Authority in Annex [4], a virtual 'total price' is calculated (also referred to as virtual 'contract price' or virtual 'total costs').</p> <p>This virtual total price is referred to as 'P'.</p> <p>To determine the score of the Tenderer, the following tranches and corresponding formula is used:</p> <p>A. P lower than € 10,000,000: score = 0 points and exclusion of the Tender</p> <p>B. P between € 17,000,000 and € 10,000,000: a score between 0 and 20 points, for which score = <math>20 - (20 / (17,000,000 - 10,000,000)) * (P - 10,000,000)</math>;</p> <p>C. P higher than € 17,000,000: score = 0 points and exclusion of the Tender</p> |

### 5.4 Assessment method for qualitative award criteria

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

| Quality of the response | Explanation                                                                                 | Weighting percentage of the maximum points available per preference |
|-------------------------|---------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| Excellent               | The offer greatly surpasses the expectations and provides a lot of added value.             | 100%                                                                |
| Good                    | The offer does provide some added value and meets in multiple parts above the expectations. | 75%                                                                 |
| Very satisfactory       | The offer meets in some parts above the expectations.                                       | 50%                                                                 |
| Satisfactory            | The offer meets the expectations.                                                           | 25%                                                                 |
| Unsatisfactory          | The offer does not entirely meet the expectations.                                          | 10%                                                                 |

|            |                                         |    |
|------------|-----------------------------------------|----|
| No results | No answers were given to the questions. | 0% |
|------------|-----------------------------------------|----|

**For the individual award criteria § 5.2.1 (Project Documentation), § 5.2.2 (Project team) and § 5.2.3 (Vessels and equipment) tenders should obtain at least satisfactory on each individual award criteria. Tenders which do not meet this requirement will be set aside by the Tendering authority and will not qualify for award of the Contract.**

## **6. Assessment of the Tender**

### **6.1 Assessment of the Tender's completeness and legal validity**

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

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

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

### **6.2 Assessment of requirements relating to the assignment**

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

### **6.3 Assessment of award criteria relating to the assignment**

Subsequently, all Tenders not excluded from the tendering process, will be assessed according to the award criteria stipulated in Section 5.

### **6.4 Determination of definitive total score**

The Contract will be awarded according to the principle of the Most Economically Advantageous Tender. The Most Economically Advantageous Tender is the Tender that achieves the highest definitive total score based on the best price-quality ratio.

The assessment of the tenders takes place by an assessment committee. The assessment committee consists of adequately equipped and expert assessors. Each tender will first be assessed individually by each assessor on the basis of the assessment criteria included in the tender document. Subsequently, the assessment committee will arrive at a final assessment by consensus for each request. The final assessment per criteria is rounded to one decimal place after the comma.

The total score of all quality award criteria will be calculated in a mathematical way.

The total score of the quality award criteria together with the score on price forms the final score of the tender. No scores will be rounded off until the moment that this definitive total score is determined. If two or more Tenderers have an equal definitive total score that would result in the Tendering Authority having to award the Contract to more parties than is desired, then the Tendering Authority will award the Contract to the Tenderer with the highest final score for the criterion relating to price/rates (see section 5.3). In the event that the highest scoring Tenderers also achieve an equal score for this criterion, then determination of the Tenderer to which the Contract will be awarded will be made by drawing lots.

### **6.5 Assessment of evidence**

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

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

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

The evidence must demonstrate that the Tenderer indeed complies with the content of both the 'European Single Procurement Document' and the Tender. Following the Tendering Authority's request to provide the evidence, the Tenderer has 15 (fifteen) calendar days to hand over the required evidence. If the Tendering Authority does not agree with the content and/or validity of one or more of the pieces of evidence provided by the winning Tenderer, then this could result in the winning Tenderer being excluded from further participation in the process. In such a case, the Tendering Authority will inform every Tenderer of this situation. The Tendering Authority will then determine the next Most Economically Advantageous Tender. The score of the Tenderer that has just been excluded will be removed. The calculations will then be carried out once more and a new ranking will be created. The award process will then be conducted again.

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

## 7. Submission procedure for Tenders

### 7.1 Statement of agreement

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

### 7.2 Schedule

See schedule in Subsection 1.3.

### 7.3 General procedure

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

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

#### 7.3.1 Communication

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

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

You will receive messages via TenderNed. Via your personal TenderNed settings, you can turn on automatic notifications, including notifications to your private email address. It is your responsibility to ensure that these emails are not blocked by your email provider's security system. If the communication cannot be conducted via TenderNed, you can contact the following contact person(s):

Lex Spobeck of the Procurement Office IUC EZK at [IUCEZteam1@rvo.nl](mailto:IUCEZteam1@rvo.nl).

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

If you have any functional or technical questions regarding TenderNed, you can contact the TenderNed service desk on weekdays between 08:30 and 17:00 CET on (0)70-3798899 or via [servicedesk@tenderned.nl](mailto:servicedesk@tenderned.nl). You can also consult [TenderNed voor ondernemingen | TenderNed](#) or [TenderNed for foreign businesses | TenderNed](#).

#### 7.3.2 eHerkenning

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

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

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

### **7.3.3 Questions and additional information/changes**

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

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

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

### **Submitting a question to the Tendering Authority**

Questions are to be asked via TenderNed. See [Vragen stellen in aanbesteding aan aanbestedende dienst | TenderNed](#) or [English | TenderNed](#).

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

### **Answers from the Tendering Authority**

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

### **7.3.4 Validity period and submission of Tender**

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

### **7.3.5 Variants on Tender**

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

### **7.3.6 Costs of submitting a Tender**

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

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

### **7.3.7 Termination of tendering process**

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

### **7.3.8 Order of precedence of documents**

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

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

### **7.3.9 Information about the Tenderer's obligations**

The Tenderer must take into account his obligations relating to environmental, social and

employment law in compliance with article 2.81 paragraph 2 of the Public Procurement Act.

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

- Information on taxes: the Dutch Tax and Customs Administration: ([www.belastingdienst.nl](http://www.belastingdienst.nl)).
- Provisions concerning environmental protection: the Ministry of Infrastructure and Water Management ([www.rijksoverheid.nl](http://www.rijksoverheid.nl)).
- Provisions pertaining to occupational health and safety and terms of employment: the Ministry of Social Affairs and Employment: ([www.rijksoverheid.nl](http://www.rijksoverheid.nl)).

#### **7.3.10 Guide Information security and Privacy for suppliers**

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

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

#### **7.3.11 Inconsistencies and objections**

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

#### **7.3.12 Complaints procedure**

If a Tenderer disputes a response given by the Tendering Authority to a question, request, comment or objection from the Tenderer, or if the Tenderer receives no response, then he can submit a complaint. More detailed information on this matter can be found in Annex [6] 'Complaints Procedure'.

#### **7.3.13 Dispute resolution**

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

#### **7.3.14 Submission of the Tender**

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

- In order to submit a Tender, you must register with TenderNed. One or more registered users must be connected and authorised to submit the Tender via TenderNed on behalf of your company.  
The Tendering Authority advises that you start the TenderNed registration process immediately rather than postponing it until the tendering period is coming to a close. Upon registering your organisation, you must add your tender via TenderNed's announcements platform.
- For more information on registering and establishing your organisation with TenderNed and digital submission of your Tender, visit [TenderNed gebruiken als ondernemer | TenderNed](#) or [TenderNed for foreign businesses | TenderNed](#).
- Only Tenders that have been submitted to the digital safe for this invitation to tender either prior to or on the day of the deadline (prior to the time of the deadline) will be processed by the Tendering Authority.
- The time and date as displayed on the digital countdown clock in TenderNed serves as the definitive deadline for the submission of Tenders.
- The Tendering Authority is only able to see the Tenders once the digital safe opens in TenderNed. This safe can only be opened upon expiry of the deadline for the submission of Tenders.

- In the event you have technical issues or questions regarding submission of your Tender via TenderNed, you can contact the TenderNed service desk via [servicedesk@tenderned.nl](mailto:servicedesk@tenderned.nl) or +31 (0)70-3798899. If you believe that the TenderNed service desk is taking too long to answer your question or comment, then you can contact your contact person within the Tendering Authority.
- Any risks resulting from late submission of the Tender and/or submission of an incomplete Tender is borne by the Tenderer.
- The Tendering Authority is neither responsible nor liable for any consequences resulting from a Tender that is submitted too late, incorrectly or incompletely.

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

### **7.3.15 Structure and content of the Tender**

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

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

| Location in Tender Document                                    | Subject / Description                                                                                                                                                                                                                      | Action required from tenderer              |
|----------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|
| Annex [1]                                                      | European Single Procurement Document*                                                                                                                                                                                                      | Fill in, legally sign and add to TenderNed |
| Award criteria                                                 | Option 1: Tender, including a general response to the Tendering Authority's award criteria.<br><br>OR<br><br>Option 2. A separate response to each of the Tendering Authority's award criteria.                                            | Add to TenderNed                           |
| Annex [2]                                                      | List of Reference Contracts                                                                                                                                                                                                                | Fill in, legally sign and add to TenderNed |
| 3.2                                                            | Documents providing equipment details and method statement in connection with environmental exemption (underwater noise)                                                                                                                   | Add to TenderNed                           |
| 5.2.1                                                          | Project Implementation Plan (including Gantt chart), HSE Management Plan, Quality Management Plan, Sustainable Campaign Plan in separate sections or separate documents.<br>Provide a response to the Tendering Authority's award criteria | Add to TenderNed                           |
| 5.2.2 and 5.2.3<br>Annex [3]<br>(fill in Sheets 3a, 3b and 3c) | Qualifications of Key Project Members, Vessel(s), Equipment, and Acquisition Parameters                                                                                                                                                    | Fill in and add to TenderNed               |

|                                   |                              |                              |
|-----------------------------------|------------------------------|------------------------------|
| 5.2.4 and 5.3 (fill in Annex [4]) | Cycle times and Prices/Rates | Fill in and add to TenderNed |
| 5.2.2.                            | CVs of proposed personnel    | Add to TenderNed             |

\* See Subsection 7.3.16 in the event your Tender is submitted in collaboration with other companies.

### **7.3.16 Legally binding signature**

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

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

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

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

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

### **7.3.17 Submission of a Tender in collaboration with other organisations**

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

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

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

#### *Tendering as a consortium*

If a Tender is submitted by a consortium, then:

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

Document', filling in parts II A, II B, III and IV and legally sign it (see the information under II C in the ESPD).

- Every member of the consortium, for their part, must provide the evidence requested for the Tender.

*Submitting a tender as a principal contractor together with subcontractors*

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

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

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

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

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

Upon the award of the Contract, the Tendering Authority will request – prior to the commencement of the Contract – that the winning principal contractor provides the following information: the name, contact details and legal representatives of the subcontractor that will be involved in the execution of the work or the provision of the services.

**7.3.18 Single Tender**

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

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

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

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

By submitting this Tender, the Tenderer declares his awareness that actions contravening any fundamental principle of procurement law can result in the aforementioned consequences. The Tendering Authority can use all resources available to him in order to identify any violation of the

fundamental principles of procurement law or the restriction of fair competition. A judicial decision will not be a necessary requirement in such cases.

#### **7.3.20 Communication and language**

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

The Tender must be submitted in English.

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

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

#### **7.3.21 General terms and conditions**

The applicability of any of the Tenderer's general terms and conditions concerning delivery, payment and/or any other matters is explicitly excluded. The LOGIC General Conditions of Contract for Services (On- and Off-shore) Edition 3 – March 2019 Annex 5 – Section II) apply to the Contract.

Any amendments to the General Conditions of Contract for Services specifically for this tender have been included in the draft Contract.

#### **7.3.22 Contract conditions**

The draft Contract, and the corresponding LOGIC General Conditions of Contract for Services (On- and Off-shore) are included in the annexes. The Tenderers have the opportunity to ask questions, make comments and propose textual amendments.

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

#### **7.3.23 Explanation and verification of the Tender**

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

#### **7.3.24 Request for supplementary information concerning the Tender**

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

#### **7.3.25 Announcement of the award of the Contract**

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

#### ***Standstill period***

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

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

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

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

#### *Interest in relation to the judgement*

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

## **Annexes**

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

- Annex [1] European Single Procurement Document (ESPD)
- Annex [2] List of Reference Contracts
- Annex [3] Qualification for Key Project Members, Vessel(s), Equipment, Acquisition Parameters
- Annex [4] Cycle Times and Prices/Rates
- Annex [5] Contract documents, including all sections:
  - (I) Draft Agreement
  - (II) Conditions of Contract
  - (III) Remuneration
  - (IV) Scope of Work
  - (V) Health Safety & Environment
  - (VI) Quality and Administrative instructions and Requirements. Zip file
    - Template-Contractor-Technical-Query
    - Template-Document-Review-Form
    - Template-Personnel-Replacement-Form
    - Template-Variation-Proposal form
    - Template-Variation-Request form
  - (VII) Starting Points and Assumptions. Zip file including:
    - GIS Map
    - Persistence tables (IA DDW).
    - Documents KEC4.0
    - Metadata example Geonovum
- Annex [6] Complaints Procedure