

Public European Tendering Procedure Descriptive Document – ROMO

NDW Agreement for Road Monitor (ROMO)





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NDW partners:

NDW is a partnership between Rijkswaterstaat, all provinces, the Metropolitan Region Rotterdam The Hague, the Amsterdam Transport Region and the municipalities of Amsterdam, Rotterdam, The Hague and Utrecht.

Index

Definitions	7
Preface	10
1 Introduction	11
1.1 General information	11
1.2 Complaints handling	11
1.3 Description of the contract for ROMO	12
1.3.1 Rationale	12
1.3.2 Policy	12
1.3.3 Scope	13
1.4 Division into lots	14
1.5 Scope of the contract	14
1.6 Result of the Tendering Procedure	15
2 Contracting Authority: NDW as part of the Ministry of I&W	15
Organisations involved in this European Tendering Procedure	16
3 Tendering Procedure	17
3.1 General	17
3.2 NDW Contact Details:	17
3.3 Publication	17
3.4 Timetable for Tendering Procedure	17
3.5 Information	18
3.5.1 General information	18
3.5.2 Individual information	18
3.6 Tender	19
3.6.1 Submission of a Tender	19
3.6.2 Opening of Tenders	19
3.7 Assessment procedure	19
3.7.1 Step 1: Assessment of general statements	19
3.7.2 Step 2: Assessment of Exclusion Grounds	19
3.7.3 Step 3: Assessment of minimum requirements for award	19
3.7.4 Step 4: Assessment of Suitability Requirements	19
3.7.5 Step 5: Assessment of solution offered	20
3.8 Notice of award decision	20

4	Tender requirements and conditions	21
4.1	General	21
4.2	Exclusion Grounds	22
4.3	Minimum requirements	22
4.4	Suitability Requirements regarding technical and professional competence	22
4.5	Tender sum	24
4.6	Award model	24
4.7	Solution offered	24
4.8	Privacy	25
4.9	Other conditions	26
4.9.1	Premature termination of Tendering Procedure	26
4.9.2	General terms and conditions	26
4.9.3	Inconsistencies and/or imperfections and consent	26
4.9.4	English or Dutch language	26
4.9.5	Reimbursement of costs	26
4.9.6	Single tender	26
4.9.7	Consortium	27
4.9.8	Assistance in submitting a tender	27
Schedule A	Requirements and Wishes ROMO	28
Schedule B	Draft of the Agreement for ROMO	29
Schedule C	ARVODI-2018	30
Standard Form A	Tender Sum	31

Definitions

The terms used in this Descriptive Document are defined below. Defined terms are capitalised. If a term is given in the singular, it is also understood to include the plural. If a term is given in the plural, it is also understood to include the singular.

Tendering Procedure	The present open tendering procedure pursuant to the Public Procurement Act, which serves to award an Agreement, and the course and object of which are described in more detail in the Tender Documents.
Tender Platform	The TenderNed platform on which the Tender Documents are published and through which the communication between the Contracting Authority and the Participant takes place and which serves as a medium for submitting a Tender.
Tender Documents	All documents (in written or electronic form) submitted by the Contracting Authority during the Tendering Procedure, e.g. the Descriptive Document, the draft Agreement and the Information Memorandums.
Public Procurement Act	Act of 1 November 2012 containing new rules on public procurement, Bulletin of Acts and Decrees 2012, 542, as amended, inter alia, by Act of 22 June 2016 to amend the Public Procurement Act 2012 in connection with the implementation of public procurement directives 2014/23/EU, 2014/24/EU and 2014/25/EU, Bulletin of Acts and Decrees 2016, 241.
Descriptive Document	The invitation to tender, including schedules, provided to Participants by the Contracting Authority, containing a (further) description of the object of the Tendering Procedure.
Schedule	An addendum to one of the Tender Documents. Schedules form an integral part of the Tender Documents.
Participants	Prior to submission of a Tender, any party that has requested a copy of the Descriptive Document and, after submission, any party that has submitted a Tender.

Services	The services to be provided and the work to be performed by the Contractor for the Contracting Authority on the basis of the Agreement and further agreement(s), and the performances to be delivered in that context, as set out in the Tender Documents. Use of the term 'Services' also pertains to possible deliveries that are made or should be made in the context of those Services.
Suitability Requirements	Requirements with regard to resources and competencies that the Participant must satisfy, as set out in paragraph 3.3 of the Descriptive Document.
Award Criteria	Criteria on the basis of which the Tenders are assessed in order to determine the Participant offering the best price-quality ratio.
Revised Documentation	The documents which the Contracting Authority has given the heading 'Revised Documentation'. Revised Documentation concerns additions and/or changes to the Descriptive Document, the draft Agreement and the Information Memorandums.
Tender	The bid made by the Participant to the Contracting Authority according to the Tender Documents, and which is aimed at performance of the Agreement.
Information Memorandum	Document containing answers to questions from Participants and/or responses to comments made by Participants, as well as any communications from the Contracting Authority and changes to the Descriptive Document and/or other Tender Documents. The Information Memorandum forms part of the Descriptive Document and prevails over the Descriptive Document and the Schedules thereto. Documents that are made available with an Information Memorandum and bear the heading "Revised Documentation" prevail over previous versions of the relevant document.
Contracting Authority	The party that awards the Agreement (Contracting Authority), which is the National Road Traffic Data Portal (NDW).
Contractor	The economic operator with whom the Contracting Authority enters into the Agreement in the context of the Tendering Procedure.
Agreement	The obligation ensuing from the Tendering Procedure between the Contracting Authority and the Contractor: the Participant to whom the contract has been awarded.

Consortium	A consortium of persons who, and/or legal entities that, jointly participate as a single Participant in the Tendering Procedure.
Standard Form	A form that a Participant is obliged to use when preparing and/or submitting its Tender, as included with the Descriptive Document.
Assessment Criteria	Knock-out criteria with regard to the Services to be provided.
ESPD	European Single Procurement Document: the self-declaration form as referred to in Article 2.84 of the Public Procurement Act.
Exclusion Grounds	Circumstances that, if applicable to the Participant, will result in its exclusion from further participation in the Tendering Procedure.

Interpretation

Unless expressly stated otherwise, in these Tender Documents:

- any reference to a period of time denotes a contiguous period of time;
- the use of words such as 'including', 'also including', 'amongst which', 'covering' and 'with the inclusion of' shall be understood to mean 'including but not limited to';

Preface

This is the Descriptive Document accompanying the Tendering Procedure NDW Agreement for Road Monitor (ROMO) initiated by the Contracting Authority.

The Descriptive Document provides, among other things, information on the course of the Tendering Procedure and the information requested in the context of the Tendering Procedure. The Contracting Authority will follow an open tendering procedure. Any interested market participant can participate in this procedure by responding to the notice published in the Tenders Electronic Daily (TED) database (<http://ted.europa.eu>) and on the website www.TenderNed.nl.

The Descriptive Document serves as the basis for submitting a Tender.

In order to allow the assessment to be performed as smoothly as possible, Participants must comply with the instructions described in this Descriptive Document. Chapter 3.5 of this Descriptive Document describes how Participants can ask any questions they might have.

PLEASE NOTE: To access TenderNed, Participants are required to have e-Recognition. It may take a number of days for Participants to receive this e-Recognition via TenderNed. More information about how to apply for e-Recognition is available at: <https://www.tenderned.nl/cms/voor-ondernemingen/registreren-en-eherkenning>.

Reading guide:

- Chapter 1 contains a description of the Agreement.
- Chapter 2 introduces the Contracting Authority.
- Chapter 3 provides information about the Tendering Procedure.
- Chapter 4 discusses the tender requirements and conditions.

Chapter 4 is followed by the prescribed Standard Forms, and the Schedules to this Descriptive Document provide relevant information applicable to the performance of the Agreement for ROMO.

Chapter 4 includes a checklist of documents that must form part of the Tender.

1 Introduction

1.1 General information

The National Road Traffic Data Portal (hereinafter: NDW) will conduct a European tendering procedure on behalf of the State of the Netherlands in accordance with the open procedure on the instructions of its partners:

- Ministry of Infrastructure and Water Management (I&W)
- Rijkswaterstaat

The Tendering Procedure concerns the contract for:

Road Monitor for winter management and asset management (ROMO)

NDW has opted for the open procedure because the market consultation has shown that only a relatively small number of market participants are able to perform the services, as a result of which an open procedure is proportionate.

This Tendering Procedure will be conducted entirely by electronic means via TenderNed. As the Contracting Authority is aware that for several participants this may be the first time that they will use TenderNed or participate in a tendering procedure, it has included a list of agencies that offer support for such tendering procedures (paragraph 4.9.8.). For each valid tender the Contracting Authority will reimburse all or part of these costs (paragraph 4.9.5). More information about how to use TenderNed can be found in the document "*In zes stappen digitaal inschrijven op overheidsopdrachten via TenderNed*" available on the website www.TenderNed.nl.

This Descriptive Document provides further information about the course of the Tendering Procedure and the requirements which the (contents) of the Tender must satisfy.

The entire set of Tender Documents that are part of this European Tendering Procedure is listed in the table below.

Abbreviation	Normative Document
DD	Descriptive Document (this document)
AGR	Agreement for ROMO
ARVODI-2018	General Government Terms and Conditions for Public Service Contracts 2018

Normative documents contain requirements set in the context of the present Tendering Procedure. Normative documents are an integral part of the contract.

New documents prevail over older documents of the same kind.

1.2 Complaints handling

NDW has set up a central desk where economic operators can file complaints. It can be reached using the following email address: klachtenmeldpunt@ndw.nu.

Complaints must be submitted in good time by economic operators with an interest in this Tendering Procedure. The complaint must describe, stating reasons, the points of the Tendering Procedure or any part thereof with which the economic operator disagrees. In addition, the complaint must contain the date, the name and address details of the economic operator, and the reference of the Tendering Procedure.

Only the following are considered to be interested parties:

- interested economic operators;
- potential or actual Participants;
- subcontractors of potential or actual Participants;
- industry organisations and industry-related advisory centres of economic operators.

The complaint must be recognisable as such and must pertain to aspects of this Tendering Procedure. Complaints may not pertain to NDW's tendering policy in general.

An economic operator that has submitted a complaint may still submit the matter to a court in preliminary relief proceedings at any time. In that case, a complaint already submitted will not be dealt with until after the court has rendered its judgment.

The submission of a complaint will not suspend a Tendering Procedure. NDW is free to decide whether or not to suspend the procedure.

The complaints desk will immediately confirm receipt of the complaint and forward it to NDW for handling.

Complaints will be handled by an independent complaints committee. The committee will start its investigation as soon as possible and proceed expeditiously, taking into account the timetable for the Tendering Procedure. If the complaint is found to be justified in whole or in part and the NDW takes corrective and/or preventive measures, this will be communicated in writing to the economic operator and the other potential or actual Participants or TenderNed as soon as possible.

If the complaint is found to be unjustified, the economic operator will be informed of this in writing, stating reasons.

1.3 Description of the contract for ROMO

1.3.1 Rationale

"Modern cars produce, collect, and share ever increasing quantities of data. At present, European manufacturers provide about 37% of new cars with pre-installed Internet connection. Over this Internet connection, data from the car is transmitted to cloud servers, from which the car is also able to retrieve data. It is expected that by 2023, almost all newly sold cars in the European Union will be connected to the Internet. The growing amount of vehicle data that cars produce and share creates opportunities for many parties; the possibilities include product improvements by car manufacturers, maintenance and repair, and consumer (driver) products and services that are innovative in terms of infotainment, mobility, and beyond. In addition, the exchange of data provides great opportunities in terms of traffic management, traffic information, and incident management, with positive effects on traffic flow, safety, and car traffic emissions¹."

Rijkswaterstaat, SmartwayZ.NL, and the Ministry have gained experience with this technology over the past year, albeit on a limited scale. Thanks to the successful trials, this development is expected to be a success and will therefore be upscaled nationwide.

ROMO involves the use of factory-installed sensors in modern vehicles as a standard feature that can provide new insights into issues that are of importance to road managers, such as asset management, de-icing and safety.

1.3.2 Policy

In the letter to the House of Representatives *"Smart Mobility in beweging"* ("Smart Mobility in Motion") of 30 November 2020, the Ministry of I&W contextually outlines the evolution of this contract and the idea underlying it;

"The potential of smart mobility has proven itself to be up to these social challenges and has thus long ceased to be a mere hype or thing of the future: road users are better able to anticipate unsafe traffic situations because more information is available to them; emergency services can arrive on site more quickly and with fewer risks involved because they have priority at smart traffic lights; and road managers can target the salting of roadways and road maintenance because they have a better idea of the condition of the asphalt."

Industry also provides an increasing amount of data and information, creating opportunities in terms of governmental processes and new revenue models for the private sector. Our approach will allow the Ministry, together with its public partners, to distinguish between public duties and opportunities for market participants. We will upscale nationwide those pilots and projects that prove to be successful at the local level. This is currently being done with a service that provides road managers with information about the

¹ Study on the exchange of vehicle data and interfaces, I&W 27 January 2020

condition of the road surface. This service acquires information from smart vehicles. Next year, this service will be available throughout the entire Dutch road network."

1.3.3 Scope

Asset management by road managers currently involves periodic measurements carried out with the help of complex and costly equipment. A nationwide network of (332) weather stations situated along motorways and provincial roads is used for purposes of winter management (de-icing). Technological developments, such as vehicle sensor data, in particular, also provide us with new ways to measure, among other things, the condition of the road surface.

It should be emphasised that this European Tendering Procedure is not about the procurement of data, but about the procurement of services, displayed on a dashboard, providing road managers with information about the condition of the roads, engineering structures, and other related matters. The Contractor must be transparent about how this information is collected and processed in order to build trust in this new flow of information. The information will also be tested by comparing it to the more traditional observation methods.

I&W expects that information from vehicles, also known as 'Probe Vehicle Data' (PVD), can provide much added value in addition to the information that road managers currently glean from measurement systems such as the Slippery Conditions Warning System (*Gladheidsmeldsysteem*, or GMS), LCMS (Laser Crack Measurement System) and visual inspection. By working closely with the Contractor(s), I&W aims to test, in a process with an expected lifespan of 2 years, whether the expected added value can realistically be achieved and fits in with the operational processes of the road managers.

We believe that the added value can be achieved through the following objectives:

- More frequent and complete overview of road surface conditions;
- Prevention of dangerous traffic situations;
- Acting more quickly when hazardous traffic situations arise;
- Preventing traffic disruption for road users with more systematic management and maintenance;
- Better predicting potential traffic flow disruptions.

The Participant will be expected to provide a service that can:

1. Provide road managers with targeted applications/information in the service of the operational processes;
2. Provide coverage for roughly the entire main road network in the Netherlands (<https://docs.ndw.nu/documenten/downloads/kaartRVM2.7.pdf>);
3. Display and report the information in a user-friendly way;
4. Fulfil the ambition to work in concert with road managers and help them understand how this information is accumulated in order to gain confidence in the observations;
5. Develop an API (Application Programming Interface) for the link to the road managers' systems.

In order to gain a clear view of the current state of the market, a market consultation was conducted in the spring of 2021. The responses received show that the products and services requested in this Tendering Procedure are feasible given the current state of the art. The summary of the answers given in the context of the market consultation can be found on TenderNed:

<https://www.tenderned.nl/tenderned-tap/aankondigingen/224732:section=2>.

The Contracting Authority sees this contract as a development process and wishes to work together with the Contractor during the contract period to improve and expand the solution offered. As the Contracting Authority, we foresee that the knowledge and expertise of road managers as well as insights into the current measurement methods will be largely shared with the Contractor. As the Netherlands will be the first country where this technology will be implemented on a national level, it is still a developing process, which the Participant should take into account in its bid and which it may use to its advantage by considering the project indeed as a two-year developing process, during which period it can bring its product (even) more in line with the wishes of road managers.

Beyond the scope of the project, there will be an evaluation of the entirety thereof after 2 years, to be recorded in an advice and recommendations on the future use of this technology. As part of government transparency, information and experience gained from this contract will therefore be shared with other parties in tendering procedures for follow-up contracts.

1.4 Division into lots

The Tendering Procedure for the Agreement for ROMO is divided into three lots:

1. Information and dashboard for the purpose of asset management
2. Information and dashboard for the purpose of winter management
3. Information and dashboard for the purpose of displaying unsafe traffic situations

The reason for this is that the interpretation of data from vehicles and the intelligence underlying the algorithms required is different for the three lots. In addition, various departments of road managers are responsible for different aspects. This means that the aspects need not be combined in a single dashboard.

The Participant is permitted to submit a Tender for more than one lot. Please note that, I&W cannot guarantee that there will be sufficient funding for all proposals received. The proposals received shall therefore be considered with respect to their "social impact". And awarded to the extent there is (still) budget available.

1.5 Scope of the contract

The Agreement for ROMO comprises the three following lots:

1. Dashboard and API with information from vehicles for the purpose of asset management by road managers in the Netherlands

This contract concerns a dashboard/viewer that displays messages based on aggregated data from sensors in connected vehicles about current damage to the road surface of the through roads in the Netherlands. This involves both slowly occurring damage and acute serious damage, such as holes in the asphalt. In addition to displaying such an acute serious situation on a dashboard/viewer, an alarm message must be generated, allowing immediate action to be taken. Situations that must be displayed are listed in Schedule B Requirements and Wishes ROMO.

In addition to displaying the requested information on a Contractor's dashboard/viewer, it must be possible to process the information and alarm messages via an API in systems of at least three different road managers, including TopDesk.

2. Dashboard and API with information from vehicles for the purpose of winter management by road managers in the Netherlands

This contract concerns a dashboard/viewer that displays messages based on aggregated data from sensors in connected vehicles about current slipperiness of the road surface of the through roads in the Netherlands caused by winter conditions. This involves both initial slipperiness (predictive), as well as acute serious slipperiness. In addition to displaying such acute serious slipperiness on a dashboard/viewer, an alarm message must be generated, allowing immediate action to be taken. Situations that must be displayed are listed in Schedule B Requirements and Wishes ROMO.

In addition to displaying the requested information on a Contractor's dashboard/viewer, it must be possible to process the information and alarm messages via an API in systems of at least three different road managers.

3. Dashboard and API with information from vehicles for the purpose of displaying unsafe traffic situations on roads in the Netherlands

This contract concerns a dashboard/viewer that displays messages based on aggregated data from sensors in connected vehicles about current unsafe situations on the through roads in the Netherlands. In addition to displaying such unsafe situations on a dashboard/viewer, an alarm message must be generated, allowing immediate action to be taken. Situations that must be displayed are listed in Schedule B Requirements and Wishes ROMO.

In addition to displaying the requested information on a Contractor's dashboard/viewer, it must be possible to process the information and alarm messages via an API in systems of at least three different road managers.

All lots mentioned above must be made available to all road managers in the Netherlands, with a minimum of 1,500 simultaneous users.

A maximum total budget of EUR 2.5 million exclusive of VAT is available for all three lots mentioned above. Please note that, I&W cannot guarantee that there will be sufficient funding for all proposals received. The proposals received shall therefore be considered with respect to their "social impact". And awarded to the extent there is (still) budget available.

This Tendering Procedure is only intended to obtain information about the applications identified. There is no wish to procure/receive data or to obtain modulation for the purpose of data processing. It is possible to form consortia but this must be done prior to submitting the Tender and will not be facilitated by I&W.

Data availability

The Ministry is not in any way responsible for the coverage or the forwarding of data sources needed by the Contractor. Should there be any uncertainty regarding the coverage and its development, the Contractor must indicate this in its bid and offer only what *can* be guaranteed during the entire term. Any failure to comply with the commitment made as regards coverage will be considered non-performance of the Agreement.

1.6 Result of the Tendering Procedure

The aim of this Tendering Procedure is to enter into an agreement with one to three parties at the most regarding the contract described above for a period of two (2) years. Each lot is awarded to one party only but the Contracting Authority prefers to award several lots to a single party (or consortium).

The Agreement will become effective on 15 December 2021. On that date, for each lot the Contractor will make an operational dashboard available to the Contracting Authority and thus to the road managers in the Netherlands. Naturally, the Contracting Authority assumes that the dashboard will be developed further during the term in order to meet the requirements and wishes as formulated in Schedule A. It is up to the Participant itself to contribute use cases that meet the needs within the relevant lots in addition to the use cases already requested. This is considered part of the Participant's innovative nature and will be assessed as an extra.

In order to arrive at a solution that has been developed as fully as possible during the term of the contract, 12 (four-hour) consultations with subject-matter experts will be held per year for each lot. The Contractor must make efforts to improve and/or expand the solution (the product) on the basis of these consultations.

Each month, the Contractor must provide a Service Level Report (SLR) to report on the agreed quality criteria and service levels, such as availability. The Contractor itself is responsible for assessing service levels. The Contractor may proceed with invoicing based on the SLRs approved on a monthly basis and provided that the Contractor has complied with the bid offered.

2 Contracting Authority: NDW as part of the Ministry of I&W

NDW is a public-public partnership of and for road managers. NDW's aims are:

- Achieving efficiency through economies of scale, purchasing strength, knowledge pooling and preventing redundancy in implementation across individual road managers.
- Increasing social impact through mutual cooperation between public authorities and between public authorities and market participants.
- Increasing public focus towards road users by removing unnecessary barriers between road managers and market participants.
- Strengthening public authorities' policy activities by providing better insight into traffic data.

NDW contributes to creating social impact in the areas of mobility, open data and government efficiency. These were mentioned in the preamble to the partnership agreement:

NDW contributes to improving accessibility and traffic flow, reducing noise pollution, improving air quality and achieving greater road safety.

NDW does so by supporting a number of policy instruments:

1. Ensuring better up-to-date traffic information for road users before and during their journey.
2. Optimising the use of infrastructure through a well-coordinated range of road infrastructure resulting from effective traffic and network management at the national level, as well as at the regional level around urban agglomerations.

3. Implementing good traffic and transport policy, based on sound feasibility studies and impact reports, supported by high-quality information provision.
4. Having available properly coordinated and uniformly defined information on the state of the road network in crisis and emergency situations for all relevant public authorities and emergency services.

In addition, NDW acts as a network organisation, where:

- coordination takes place on the way in which the aims must be achieved;
- knowledge is accumulated and shared;
- coordination takes place with cooperating partners from the public sector, the corporate sector, academia and other interested parties;
- plans for joint implementation activities are adopted and accounted for;
- the executive organisation is managed in a coordinated manner;
- mutual relationships are maintained and expanded.

NDW's infrastructure consists of a central system, a database containing status data and a historical database. These systems are filled with data obtained by data providers (external suppliers and NDW partners).

The following organisations are currently NDW partners²: the State (Rijkswaterstaat), all provinces, the Metropolitan Region Rotterdam The Hague, the Amsterdam Transport Region and the four largest municipalities.

More information on NDW can be found at www.ndw.nu.

Organisations involved in this European Tendering Procedure

Ministry of I&W (facilitator)

I&W is committed to a safe, accessible, and liveable Netherlands. That is why the Ministry is working on robust road, rail, water, and air connections. I&W also attends to flood protection, air, water, and soil quality, and building a circular economy. The Ministry of Infrastructure and Water Management (I&W) does an enormous amount of work each and every day. Our roads and waterways, dykes and railways need to be maintained, and adjusted or expanded every now and then. Our laws and regulations require maintenance to keep up with social developments.

Rijkswaterstaat (experts)

Rijkswaterstaat is the executive organisation charged with managing and developing national networks in a sustainable manner on the instructions of the Minister and the State Secretary for Infrastructure and Water Management (I&W). Rijkswaterstaat works to promote the safety and free flow of traffic, a safe, clean, and user-friendly national water system, and to protect our country against flooding. To that end, Rijkswaterstaat manages the national road network (5,695 km), the national waterway network (1,686 km of canals and rivers and 6,165 km of open waterways) and the national water system (65,250 km²).

NDW (procurement)

It takes a lot of effort to keep the continuous flow of mobility data sound and constant. The NDW does this centrally for all road managers. Much of our traffic data is collected by authorities themselves, in the first place for their own use. But more needs to be done to get us where we need to be. The data quality needs to be monitored, the information must be stored quickly and correctly, offered in standardised form, etc. On behalf of the road managers, NDW takes care of the lion's share of those activities. Within ROMO, NDW is the link to other road managers and a delegated procurement authority.

² During the term of the Agreement, changes may occur in the composition and number of NDW partners.

3 Tendering Procedure

3.1 General

The Tendering Procedure takes place pursuant to the Public Procurement Act 2012. Therefore, the definitions of the Public Procurement Act 2012 apply. The Tendering Procedure will be conducted in accordance with the open procedure.

3.2 NDW Contact Details:

Name of Contracting Authority	National Road Traffic Data Portal
Contact	Mr F. Qayoumi
Email address	aanbesteding@ndw.nu
Postal address	PO Box 24016, 3502 MA Utrecht
Visiting address	Archimedeslaan 6, 3584 BA Utrecht

3.3 Publication

The Tender Documents will be published via TenderNed (www.TenderNed.nl). They can be downloaded by any interested party.

3.4 Timetable for Tendering Procedure

The timetable with regard to the Tendering Procedure is as set out below. Interested parties/Participants cannot derive any rights from this timetable. NDW reserves the right to adjust the timetable.

Timetable for Tendering Procedure	Date
Publication of notice	18 August 2021
Q&A Session 1: Deadline for submitting questions and comments	3 September 2021 (before 12:00)
Written answers to questions in Information Memorandum 1	13 September 2021
Q&A Session 2: Deadline for submitting questions and comments	29 September 2021 (before 12:00)
Written answers to questions in Information Memorandum 2	13 October 2021
Deadline for submitting a Tender	27 October 2021 (before 12:00)
Notification of award decision	10 November 2021
End of standstill period	1 December 2021

Effective date of Agreement for ROMO: 15 December 2021

Table 1: Timetable for the Tendering Procedure

3.5 Information

All information, as included in the Tender Documents, has been compiled with great care. NDW expects interested parties to actively examine the relevant circumstances and information regarding the contract (including by asking questions in the information rounds).

Interested parties should submit questions about the Tendering Procedure and/or the Tender Documents or other information relevant in connection with this procedure only in accordance with the possibilities described in the paragraphs below. In the context of this Tendering Procedure, it is not permitted to directly approach any NDW employees who are directly involved in (the preparation of) this Tendering Procedure, other than the aforementioned contact, in order to obtain any information whatsoever. Any breach of these communication rules may lead to exclusion from the Tendering Procedure.

3.5.1 General information

Questions aimed at clarifying this European Tendering Procedure and the corresponding Tender Documents, including the Agreement for ROMO and the accompanying schedules, must be submitted to TenderNed via the option available for this purpose. Questions must be submitted before the deadline stated in paragraph 3.4.

Interested parties' (anonymised) questions and the answers provided will be recorded in general Information Memorandums to be included with the Tender Documents on TenderNed. Interested parties will not be notified of this by NDW. Interested parties must themselves ensure that they receive this information. TenderNed offers the opportunity of being kept informed via the 'button' displayed below.

► Houd mij op de hoogte van deze aanbesteding!

The general Information Memorandums published form part of the Tender Documents. In the event of any conflict, general Information Memorandums will prevail over Tender Documents that were published previously.

Through this option, NDW offers interested parties the opportunity to ask questions and make comments on the Schedule of Requirements and the draft Agreement for ROMO. NDW will take these points into consideration and reserves the right to amend the Schedule of Requirements and the draft Agreement for ROMO. Participants cannot derive any rights from the possibility to make text proposals. If NDW does not agree to the proposal for amendment, the original text will continue to apply in full. NDW will make any amended documents available to all Participants through the Information Memorandum. Subsequently, if Participants do not declare that they are able to satisfy the Schedule of Requirements and/or do not state their agreement to the draft Agreement for ROMO, NDW will set aside the Tender.

3.5.2 Individual information

Interested parties may request NDW, stating reasons, to not include a question as referred to in paragraph 3.5.1 and the corresponding answer in the general Information Memorandums.

In that case, NDW may choose to provide the information on an individual basis. In this respect, NDW will consider whether inclusion in the general Information Memorandum may prejudice the legitimate commercial interests of the interested party.

When submitting the question, the interested party must indicate at the same time whether, if NDW does not consider the information to be of legitimate commercial interest, it wishes to have the question answered by means of a general Information Memorandum or wishes to withdraw the question.

NDW provides relevant individual information to interested parties by means of individual Information Memorandums.

Such individual Information Memorandums are subordinate to the Tender Documents and the general Information Memorandums published. In the event of a conflict, the Tender Documents and the general Information Memorandum(s) will prevail.

3.6 Tender

3.6.1 Submission of a Tender

Tenders must be submitted via TenderNed no later than 27 October 2021 at 12:00.

Tenders received after this time are invalid. The risk in relation to timely and complete submission of the Tender is borne by the Participant. NDW is not responsible for errors made by Participants with regard to timely and complete provision of information.

3.6.2 Opening of Tenders

The Tenders received will be opened on 27 October 2021 at 12:15. Opening will not take place in public.

3.7 Assessment procedure

NDW uses an assessment method based on expert opinion. This means that an assessment team consisting of experts will form a professional opinion based on their own knowledge and expertise. In order to safeguard objectivity, the assessment team will be composed in such a way that all relevant disciplines are represented.

Each member will first assess the Tenders individually. Subsequently, all members will participate in a plenary assessment meeting. The Tenders will be discussed jointly by the team in order to arrive at a careful assessment.

The outcome of this assessment process will result in an award recommendation to the Contracting Authority within NDW for this Tendering Procedure.

NDW is at all times entitled to request clarification of information and to verify the information provided by Participants.

The assessment procedure comprises a number of steps:

- 3.7.1 - Assessment of general statements;
- 3.7.2 - Assessment of Exclusion Grounds;
- 3.7.3 - Assessment of minimum requirements;
- 3.7.4 - Assessment of Suitability Requirements;
- 3.7.5 - Assessment of solution offered;

3.7.1 Step 1: Assessment of general statements

On the basis of the documents and statements provided with the Tender, it will be assessed whether the Tender meets the tender requirements and conditions. A Participant that fails to satisfy these will be excluded from further participation in the procedure. The tender requirements and general statements are described in more detail in paragraph 4.1.1.

3.7.2 Step 2: Assessment of Exclusion Grounds

Participants to which one or more Exclusion Grounds apply will be excluded from further participation in the procedure. The Exclusion Grounds are described in more detail in paragraph 4.2.

3.7.3 Step 3: Assessment of minimum requirements for award

Participants will be assessed on the basis of the minimum requirements for award. The minimum requirements for award are described in paragraph 4.3.

3.7.4 Step 4: Assessment of Suitability Requirements

Participants that do not satisfy one or more Suitability Requirements will be excluded from further participation in the procedure. The Suitability Requirements are described in more detail in paragraph 4.4.

3.7.5 Step 5: Assessment of solution offered

NDW assesses the Tenders on the basis of the Award Criteria. To arrive at a final score and therefore be able to determine the Participant offering the best price-quality ratio, NDW uses the Value for Money award model. This method and its award components are described in paragraph 4.6.

3.8 Notice of award decision

After assessing the Tenders, NDW will notify the award decision to all Participants at the same time. No rights can be derived from the award decision nor does it constitute acceptance of an offer. NDW is not permitted to enter into the Agreement with the successful Participant for a standstill period of at least 20 calendar days after issuing the notice of the award decision.

NDW will not disclose certain information if, in its opinion, publication of that information:

- a) would obstruct application of the law;
- b) would be contrary to the public interest;
- c) could prejudice the legitimate commercial interests of economic operators; or
- d) could be detrimental to fair competition between them.

At the request of a rejected Participant, NDW will be prepared to provide an oral explanation of its decision.

If a Participant objects to the award decision, the Participant should institute preliminary relief proceedings against NDW's intended award through the service of a summons within 20 calendar days of the issue of the notice.

If preliminary relief proceedings have been instituted within this standstill period through the service of a summons, NDW will not proceed to sign the Agreement for ROMO before judgment has been rendered in preliminary relief proceedings, unless there is a compelling interest in proceeding without delay.

If preliminary relief proceedings have not been instituted within this standstill period, the rejected Participants can no longer object to the award decision and have forfeited their rights in this respect. In that case, NDW is free to act on the award decision.

In the event that NDW decides to terminate the Tendering Procedure prematurely, it will notify Participants as soon as possible and simultaneously of the reasons for doing so.

If preliminary relief proceedings have not been instituted within 20 calendar days of the issue of this decision, the Participants can no longer object to this decision and have forfeited their rights in this respect.

4 Tender requirements and conditions

4.1 General

This chapter sets out the Exclusion Grounds and Suitability Requirements imposed by NDW on the Participant. By submitting a Tender, the Participant agrees to all conditions and requirements as set out in this document, all related Schedules and Information Memorandums.

No.	Description	Participant declares in its Tender that it meets the requirements	Participant has added the documentary evidence to its Tender	Contracting Authority will only request the documentary evidence from the prospective winner	§
A1	Offer letter	X	X		4.1.1
A2	European Single Procurement Document	X	X		4.1.1
U1	Registration in the national professional/commercial register	X		X	4.2
U2	Certificate of conduct for procurement	X		X	4.2
G1	Experience of Participant	X	X		4.4
G2	Sustainable business practices	X	X		4.4

4.1.1 Requirements for the documents to be provided with the Tender

The Participant must:

- Attach an offer letter to its Tender in TenderNed. The offer letter must include at least the following information:
 - o The name of the Participant;
 - o If applicable, the names of the consortium partners and subcontractors.

The offer letter must be duly signed by the person who is authorised to represent the Participant in this matter and who will sign the agreement in the event that the contract is awarded.

- With regard to the Tender, complete the European Single Procurement Document as referred to in Article 2.84 of the Public Procurement Act 2012 and attach it to the Tender in the Tender Platform. The Contracting Authority declares all Exclusion Grounds, both the mandatory and optional Exclusion Grounds, applicable to this Tendering Procedure, as formulated in Part 3 of the European Single Procurement Document.
- Submit the forms for completion in the formats supplied and at the corresponding question in the questionnaires via TenderNed;
- Draw up the Tender in the English or the Dutch language.

With regard to the signing, the following requirements apply:

- Standard forms must be signed by a duly authorised representative of the Participant. The Participant hereby declares that the Tender, including all related documents, constitutes the unconditional offer;
- The validity of the signature is evidenced by inclusion of a registration in the national professional/trade register or by a power of attorney evidencing this authority, unless organisational changes on the part of the Participant require new evidence to be provided. The Participant is required to submit the statement(s) upon a request to that effect by NDW.

4.2 Exclusion Grounds

In this paragraph, NDW will describe which Exclusion Grounds apply to Participants.

As proof of the Participant's statement (by means of the European Single Procurement Document, made available in the tender documentation on TenderNed) that no Exclusion Grounds are applicable to it, a successful Participant must submit the relevant documentary evidence to the Contracting Authority within 5 working days of the first request. The documentary evidence that may be requested by the Contracting Authority is the following:

- U1: Registration in national professional/commercial register

A statement, as referred to in paragraph 1 of Article 2.89 of the Public Procurement Act 2012, proving that the Participant is registered in the national professional/commercial register according to the requirements applicable in the country in which the Participant is established, or, if such a statement is not issued in the country of establishment, a statement or certificate to be issued under oath. In the Netherlands, an extract from the Commercial Register of the Chamber of Commerce has this function. Please note that the extract from the national professional/trade register, or a power of attorney granted, must make clear that the signatory of the Tender (being a natural person) is duly authorised to represent the Participant;

- U2: Certificate of conduct for procurement

A copy of the Certificate of conduct for procurement, as referred to in paragraph 2 of Article 2.89 and Chapter 4.1 of the Public Procurement Act 2012. The Certificate of conduct for procurement must be no more than two years old at the time of submission. If an Exclusion Ground occurs after the Certificate of conduct for procurement was issued, the Participant is obliged to state this in its Tender (on pain of exclusion). The Participant can apply for a Certificate of conduct for procurement through Justis, see <https://www.justis.nl/producten/gva/>.

NOTE: it is possible that this Certificate of conduct will be requested by TenderNed when the Tender is submitted; this may be ignored, or a dummy document may be uploaded.

Regarding economic operators established in another Member State, the Contracting Authority will also accept, in accordance with paragraph 4 of Article 2.89 of the Public Procurement Act 2012, information and documents from the relevant Member State that serve an equivalent purpose to the aforementioned documentary evidence or that show that the Exclusion Grounds do not apply to the relevant economic operator.

The Contracting Authority is free to request all further documentary evidence that it deems necessary to assess the Exclusion Grounds.

Tender by a consortium or with subcontractors

In the event that a Tender is submitted by a consortium, each member of the consortium must submit the relevant documentary evidence upon request by the Contracting Authority. Subcontractors need not submit the aforementioned documentary evidence with regard to Exclusion Grounds.

4.3 Minimum requirements

By signing the ESPD, the Participant declares:

- that it unconditionally agrees to all regulations, conditions and provisions set out in the Tender Documents;
- that it satisfies or agrees to (the contents of) the requirements and wishes set out in Schedule B, and any amendments thereto included in the Information Memorandums;
- that it unconditionally agrees to the draft Agreement included in Schedule C and any amendments thereto included in the Information Memorandums;
- that it unconditionally agrees to the ARVODI-2018 Purchasing Conditions included in Schedule D and any amendments thereto included in the Information Memorandums, and that any delivery, payment and/or other general terms and conditions of the Participant are not applicable.

4.4 Suitability Requirements regarding technical and professional competence

Based on the Suitability Requirements described below regarding technical competence and professional competence (see also Part IV, Section C of the *European Single Procurement Document* made available in the tender documentation on TenderNed), the

Contracting Authority determines whether a Participant is suitable for performing the contract. The Contracting Authority will set a Tender aside if the Participant does not satisfy the requirement set.

- G1: Experience of the Participant

The Contracting Authority considers it important that the Participant demonstrates its capability for various core competencies. The Participant must demonstrate through reference projects that it possesses competencies that NDW deems necessary for the proper performance of the contract. The Participant may do so by referring to the performance of reference projects that it completed no more than four years ago, including any postponement granted.

If the Participant uses a reference project that it performed as part of a consortium or as a main contractor or subcontractor, this reference will only be valid to the extent it involves work performed for the reference project by the Participant itself. The Participant is requested to indicate the relevant work in the reference.

NDW reserves the right to contact the point of contact of the reference organisations to verify the veracity of the reference without intervention by the Tenderer.

In order to prove its suitability, the Participant must possess the following core competencies:

- G1: Delivering a dashboard/viewer, including obtaining and processing the information from vehicles (PVD) for the lot for which the Tender is submitted

The Participant is asked to submit a reference project or to demonstrate in another way that it has such a dashboard in operation.

The Participant is asked to complete at least the following information on the reference project to show that it meets these minimum requirements:

- A description (of up to 500 words per competency) of the services provided by you to a government organisation focussing on the competencies mentioned above, including the name and telephone number of your contact within the organisation for which the contract was performed;
OR
- a detailed description of the operational dashboard, possibly supplemented with photographs or a link to the dashboard.

The Participant is asked to draw up and sign and then submit *G1. Experience of the Participant* via TenderNed.

Experience with public contracts in this context prevails over the mere availability of a dashboard with PVD.

- G2: Sustainable business practices

Participants must guarantee sustainable business practices within their organisation. The Tender must include a document to prove this. This may be:

- ISO-14001 certification or EMAS registration: the ISO-14001 certificate requires an organisation's environmental management system to comply with laws and regulations and its environmental policy to provide for a continuous improvement process. EMAS standards are largely comparable to the ISO-14001 requirements, with the additional requirement that a sustainability report must be added to the annual report for EMAS registration; or
- the social and environmental section in the annual report: an organisation may devote attention to social and environmental aspects in the annual report; or
- a sustainability policy document: that document specifies what the sustainability policy entails and how often it is updated.

In addition, the Participant must include a document describing how this Tender relates to sustainable business practices.

The Participant is requested to submit the documents with the Tender via TenderNed.

4.5 Tender sum

The Participant must submit a tender sum for the supply of the traffic data requested. This tender sum is binding.

For this purpose, the Participant must complete *Standard Form A: Tender Sum* and attach it to the bid with the following file name 'Tender sum – PARTICIPANT'S NAME'.

For the contract, NDW has a maximum available budget of 2.5 million euros for all three lots combined.

4.6 Award model

The assessment method used to determine the Most Economically Advantageous Tender is the 'Value for money' method.

Value for money involves determining the price-quality ratio. The contract is awarded to the bid offering the best price-quality ratio.

Under this method, NDW assesses the bids in terms of their quality and gives them a score. The total quality will then be divided by the price offered, so that it becomes clear which bid offers the highest quality per euro. Paragraphs 4.7 and 4.8 will describe how quality is assessed.

Calculation example:

	Total quality Solution offered lot 1	Tender sum	VfM (quality x 1000)	Rank
Bid A	800	€ 800,000	1.00	1
Bid B	200	€ 300,000	0.67	3
Bid C	1,000	€ 1,250,000	0.80	2

4.7 Solution offered

For each lot for which a tender is submitted, the Participant is requested to provide a description of the solution offered of up to 4,000 words (plus a maximum of 10 A4 size pages of annexes in support of the description), in which attention is paid to the nature, functioning and quality of the solution of at least all 'Must have' components according to Appendix A Requirements and Wishes ROMO. For each component, the Participant must specify the guarantees it can give with regard to the quality and availability to be achieved. These guarantees will form part of the service level agreements that must be reported on. If a description of a 'Must have' component is lacking, the tender will be set aside and will not be assessed. All other components (Should have, Could have and Nice to have) offered by the Participant must be explicitly specified and described as accurately as possible. These components will be scored by the members of the assessment team according to the following tables:

Should have	Points
Good	100
Sufficient	50
Mediocre	25
Insufficient/Omitted	0

Could have	Points
Good	50

Sufficient	25
Mediocre	10
Insufficient/Omitted	0

Wish/Nice to have	Points
Good	10
Sufficient	5
Mediocre	2
Insufficient/Omitted	0

It is up to the Participant itself to contribute use cases that meet the needs within the relevant lot and fall within the solution offered (i.e. at no additional costs) in addition to the use cases already requested. This is part of the Participant's innovative nature and is assessed as follows:

Innovation	Points
Good	100
Sufficient	75
Mediocre	0
Insufficient/Omitted	0

The Participant must attach the details of the solution offered to the bid using a file name starting with 'tab 2 lot <1, 2 or 3>'.

4.8 Privacy

In view of ongoing discussions with the Dutch Data Protection Authority and public opinion following the WNL programme featuring the Minister of I&W, privacy is an extremely important point of attention in this Tendering Procedure. For now, our position is as follows: I&W (and NDW) considers the location data of an individual vehicle in this context to be directly or indirectly traceable personal data, which is in line with the decisions of the European Data Protection Board. The Ministry does not wish to receive or gain access to personal data in this Tendering Procedure, nor will it be considered a 'joint controller'.

The Contractor is responsible for obtaining the data in a lawful manner and for complying with all other GDPR provisions and other applicable privacy and other regulations. In the context of the I&W's duty of care, the contractor is obliged – in accordance with Article 6 of the GDPR – to specify the 'lawfulness of processing' grounds under which it has obtained access to the data, how data are processed and – in the case of user consent – how this process works (e.g. a system setting, one-time approval, etc.). The contractor is also obliged to ensure that the information as presented and/or transmitted to contracting parties is and remains anonymous and therefore does not contain any personal data.

The Contracting Authority considers it important that an end user is able to choose whether the vehicle data may be used for the purpose specified in this invitation to tender. The Participant must provide a transparent description of how a vehicle's end user will be enabled to do so.

4.9 Other conditions

4.9.1 Premature termination of Tendering Procedure

NDW reserves the right to terminate the Tendering Procedure in full or in part, temporarily or permanently, in the following exceptional circumstances, i.e. in the event that:

- there is no actual competition;
- no suitable financial, legal and/or substantive solution can be achieved for NDW;
- there are other political or policy reasons for doing so.

4.9.2 General terms and conditions

NDW declares that the General Government Terms and Conditions for Public Service Contracts (ARVODI-2018) apply to the performance of the Agreement for ROMO, to the extent that the Agreement for ROMO does not specify otherwise.

Article 20 will be modified to include early (partial or complete) termination in the event that the Contractor is not delivering the quality and/or services that their proposal and thus the contract entails. The termination fee for early termination shall be 5% of the lot that is terminated, to be calculated over the period commencement date of early termination and the remaining contractual period.

The Participant's delivery, payment and/or other general terms and conditions are expressly rejected.

4.9.3 Inconsistencies and/or imperfections and consent

This document has been compiled with care. However, should you detect any imperfections, procedural errors and/or inconsistencies, you must report these in writing, stating reasons, to the contact referred to in paragraph 3.2 in a timely manner, i.e. at such a time that the Contracting Authority can still remedy any defects in the Tendering Procedure within the limits of public procurement law and before submitting the Tender. It should be noted in this respect that, according to the case law of the European Court of Justice, a Participant who does not act in accordance with the above will forfeit its rights on this point and is deemed to have given its consent to the procedure and the related documents in full and unconditionally.

4.9.4 English or Dutch language

In so far as relevant at the time of this Tendering Procedure and for the purpose of performing the contract, the Participant's personnel specifically involved in the contract must have sufficient oral and written command of the English or the Dutch language.

4.9.5 Reimbursement of costs

NDW will make an amount of € 1,000 (exclusive of VAT) available to any Participant that has submitted a valid Tender. This amount serves as a contribution towards the costs of activities that have to be undertaken for submitting a Tender via TenderNed and for engaging an agency offering support in such tendering procedures if necessary (paragraph 4.9.8).

4.9.6 Single tender

A Participant can only submit one tender for the Agreement for ROMO for each lot, either as an individual economic operator or as a consortium partner.

4.9.7 Consortium

Economic operators who jointly submit a tender as a consortium must designate a coordinator.

Economic operators who jointly submit a tender as a consortium are jointly and severally liable for the performance of all obligations ensuing from the Agreement for ROMO.

4.9.8 Assistance in submitting a tender

For Participants that have no experience with submitting tenders in European tendering procedures, NDW would like to point out the possibility of engaging an independent consultancy agency to offer assistance with regard to the Tendering Procedure via TenderNed. A list of such agencies is available on [Training and advice for economic operators | TenderNed](#).

Schedule A Requirements and Wishes ROMO

Schedule A Requirements and Wishes ROMO is attached separately to this Descriptive Document as a schedule

Schedule B Draft of the Agreement for ROMO

Schedule B draft of the Agreement for ROMO is attached separately to this Descriptive Document as a schedule.

Schedule C ARVODI-2018

The General Government Terms and Conditions for Public Service Contracts 2018 (ARVODI-2018), including annexes, are available on:

<https://www.pianoo.nl/nl/regelgeving/voorwaarden/rijksoverheid/algemene-rijksvoorwaarden-voor-diensten-2018-arvodi-2018>

Standard Form A Tender Sum

Standard Form A Tender Sum is attached separately to this Descriptive Document as a schedule.

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