

Aanbesteding: Road monitor for asset management, winter management and unsafe traffic situation (ROMO)

Aanbestedende Dienst: De Minister van Infrastructuur en Waterstaat handelend als aankoopcentrale voor het samenwerkingsverband Nationale Databank Wegverkeersgegevens, hierna te noemen NDW

Referentie: 19082021

Toelichting:

Two more answers will be sent and a modified draft contract.

Ref.nr. 1 **Onderwerp:** Budget

Vraag:

Is there a maximum budget available per lot?

Antwoord:

No, within the total of 2.5 million, the budget will be divided based on the outcome of the assessment.

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P3 3. Dashboard and API with information from vehicles for the purpose of displaying unsafe traffic situations on roads in the Netherlands

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Ref.nr. 2 **Onderwerp:** Dashboard

Vraag:

On 15 December 2021 the Contractor needs to make an operational dashboard available to the Contracting Authority. 1/ Can this be delivered on dummy data 2/ What is the minimum requirement for the dashboard.

Antwoord:

1/ No.

2/ It is up to the tenderer to describe which parts/functionality will be operational on 15 December.

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Onderwerp:
Data availability

Vraag:
In the document it is stated that the Ministry is not in any way responsible for the coverage or the forwarding of data sources needed by the Contractor.
1/ Is the contractor responsible to collect their own data? 2/ Can vehicles from the government be used to collect data? 3/ Is there a minimum quality & coverage requirement for the data?

Antwoord:
1/ Yes.
2/ No.
3/ It is up to the tenderer to describe which quality and coverage can be delivered.

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Onderwerp:
"Must have" Friction detection (Schedule A Requirements and Wishes ROMO.xlsx)

Vraag:
Must haves are exit criteria and no points are awarded for them. However, for D1 Category Winter management – Must have Friction detection, a variable with three values is assigned in the description:
- Maximum: Prediction of potential frictionloss prior to events occurring > 2

hours

- Average: Prediction of potential frictionloss prior < 2 hours events occurring
 - Minimum: Detection of potential frictionloss based on events occurring
- Prediction (Average/Maximum) requires a set of much more advanced capabilities compared to detection.

How will the predictive capacity (Average/Maximum) be rewarded with points?

Antwoord:

We will change this and add an extra row.

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Onderwerp:

Row 9, Dashboards - Events - hectometre position and lane number

Vraag:

How will the A1 translation to hectometer be done?

Will there be an API to translate GPS-coordinates to hectometer?

Are there any specifications for such an API?

Antwoord:

As far as we know there is no API available. Rijkswaterstaat does make a map available with hectometre positions: https://www.rijkswaterstaat.nl/apps/geoservices/geodata/dmc/nwb-wegen/geogegevens/shapefile/Nederland_totaal/

This map is renewed every month.

Percelen: P1 Dashboard and API with information from vehicles for the purpose of asset management by road managers in the Netherlands

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Onderwerp:

Row 51, Winter management - friction loss - Frequency of occurring

Vraag:

What frequency is of interest here? The number of measurements? The number of critical events? The number of critical potential forecasts? Is it

possible to specify this more?

Antwoord:

It is about the period of time to which the frequency of occurrence of friction detection events relates (e.g. 5 min, 5 -15 min, <30 min period).

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Onderwerp:

Row 31, Quality guaranties - Reliability (guaranteed in SLR)

Vraag:

In the first point the ending with "AND (cumulative)" what is the meaning of that?

Antwoord:

This means that the falls positives and fall negatives may not be crossed out against each other, but added together.

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Onderwerp:

A1 questions (Row 6->16)

Vraag:

Should A1 be answered to each respective data type that has A1 as a requirement?

The A1 answer could differ based on them, hence a separate answer should be made for each of the two data types below?

- Longitudinal unevenness (IRI100)
- Height difference longitudinal direction

Antwoord:

Yes, A1 should be answered for each respective data type that has A1 as a requirement. The information requested must be described if and how these are provided. The aim is that the road authority can make the right decision

as quickly as possible based on this information.

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Ref.nr. 9
Onderwerp: Row 6 -> 16, Dashboards - Events

Vraag:
Is the meaning of this data type to be presented in the “viewer” meaning that this rows stipulate which data that should be populated in the online tools?

Antwoord:
The requested data (row 6 - 16) relates to the dashboard.

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Ref.nr. 10
Onderwerp: Row 12, Dashboards - Events - Development over time

Vraag:
what is the requirement, is it continuous monitoring of the state?

Antwoord:
This means that the changes in time of (the status of) an event can be seen in the dashboard, so not just the current status. For example: how quickly the situation worsens.

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Ref.nr. 11
Onderwerp: Row 16 Dashboards - Events - Notification in case of critical events

Vraag:

What is a critical event?

What is a notification in this context?

Antwoord:

See tab severity classes Rijkswaterstaat. Critical: An event that requires immediate action in the context of (traffic)safety.

A notification (for example an email, SMS etcetera) could be any kind of warning/notification that triggers the road administrator immediately to take action/secure the event. It is up to the subscriber to describe their way of notification.

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Onderwerp:

Row 17, Dashboards - Viewer - web based

Vraag:

How should this be interpreted, should all reasonable browsers and its versions be supported? This becomes more or less impossible with older versions for an online tool. Our suggestion is to support the most common browsers and its corresponding latest or second to latest versions to ensure safety and compatibility.

Antwoord:

All most common browsers and mobile devices should be supported. We expect users to update their versions regularly.

Percelen: P1 Dashboard and API with information from vehicles for the purpose of asset management by road managers in the Netherlands

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Onderwerp:

Row 28 - Push notifications - Possibility to to send push notifications by critical events

Vraag:

what are the predefined events, something provided by RWS or by the supplier predefined events?

Antwoord:

See answer 11.

Percelen:

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Onderwerp:

Social Impact

Vraag:

You describe, with the available budget, that allocation will take place on the basis of “social impact”. What is your definition that you use here?

Antwoord:

The assessment of the offers takes social impact into account. If budget remains after the intention to award, it will be examined whether this budget can still be used for solutions that place other/additional accents than the awarded solutions.

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Onderwerp:

Reporting

Vraag:

Is a final report expected? If so, what role do you expect from us and what activities do we need to reserve for this.

Antwoord:

No.

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16

Onderwerp:
Management and Organization

Vraag:

What do you think is the desired organizational form to implement this in the future?

What extra time/costs should we reserve for general tasks and assignments, which in your view are necessary to complete the project successfully?

Antwoord:

The question is not well understood. The contractor itself is responsible for setting up a suitable organization.

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Onderwerp:
Steering and governance

Vraag:

Is there a steering or managementboard installed?

Antwoord:

The collaborating organizations have a joint working group to supervise this

assignment.

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Onderwerp:
Validation and verification

Vraag:
What are the procedures regarding verification and validation of the services / data provided?

Antwoord:
Several, including the deployment of road stewards.

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Onderwerp:
Awarding

Vraag:
You write that it is preferable to award the contract to a consortium, on the basis of covering all plots. How do you deal with the consideration that a consortium scores excellent on 2 plots but very poorly on 1 plot? Would that mean that an average-scoring consortium is preferred?

Antwoord:

In that case, we prefer that the contract for two lots will be awarded to this consortium and the other lot to another party.

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Onderwerp:
Innovation

Vraag:

The innovation components are taken into account in the assessment, but on the basis of which framework and valuation?

Antwoord:

As mentioned: '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.' Depending on the number and usability of additional use cases, the points will be awarded.

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Onderwerp:
Innovation

Vraag:

With regard to the innovation components, do you expect us to fill them in on the basis of our own roadmaps or, on the contrary, to link up with a common goal in the longer term? How is the decision-making process regarding which innovation will or will not be implemented?

Antwoord:

All additional use cases offered must be implemented as offered. If phases are included in the offer, the participant must adhere to them.

Percelen:

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Onderwerp:
Innovation

Vraag:

Various innovation components are requested. How should we read it? Independent innovative developments which cannot be requested at the moment or 2) Innovations on the requested items?

Antwoord:

The points of innovation are only awarded if additional use cases are offered.

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Onderwerp:
Open data

Vraag:

What is your policy regarding open data, which will be purchased via the API?

Antwoord:

This API is only used to connect with systems of government organizations.

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Onderwerp:
Data delivery

Vraag:

If there is nevertheless a desire for data delivery, what requirements are set here?

Antwoord:

This tender concerns information based on PVD presented in a dashboard and viewer. The same information should also be exchanged via an API.

Percelen:

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Onderwerp:

Service or raw data

Vraag:

On one hand, a service is requested, on the other hand an data-exchange API. With the services there is no data delivery, with the API there is. How should we read this, since these things are not really compatible. In our view it is either a service request or a request for data delivery.

Antwoord:

This tender concerns information based on PVD presented in a dashboard and viewer. The same information should also be exchanged via an API.

Percelen:

P1 Dashboard and API with information from vehicles for the purpose of asset management by road managers in the Netherlands

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Onderwerp:

Validation

Vraag:

Can we possibly, on a limited scale, build extra sensors on WIS vehicles of RWS for validation data or high-def data?

Antwoord:

No.

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Onderwerp:
Validation

Vraag:

How do you think the data validation process should be structured? In our view, collecting and processing the data also requires a form of validation to prevent errors from continuing to exist in the process?

Antwoord:

It is up to the participant to arrange the internal validation. We will validate the information provided with, among others, road stewards.

Percelen:

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28

Onderwerp:
Growth model

Vraag:

Do you expect an incremental growth model, where new functions are released every time or the quality improvement of the data? Or is a big bang approach expected in which everything has to be delivered at the end at once?

Antwoord:

As mentioned on page 15: 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.

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Onderwerp:
Coverage

Vraag:

What are the expectations regarding:

- Number of data-providing vehicles
- Roads to be covered
- Region to be covered

Antwoord:

Page 13: '2. Provide coverage for roughly the entire main road network in the Netherlands (<https://docs.ndw.nu/documenten/downloads/kaartRVM2.7.pdf>);' The contracting authority does not prescribe a minimum number of connected cars, but a quality level.

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Onderwerp:
Road marking contrast value

Vraag:

Can you further specify the value for road marking-tarmac contrast given as 'xx'? (schedule A, Lot 1, C.7)

Antwoord:

This value depends on e.g. the malfunction of lane departure detection by cars. In our opinion the tenderers/bidding parties are better able to define this

value.

Percelen: P1 Dashboard and API with information from vehicles for the purpose of asset management by road managers in the Netherlands

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Onderwerp:
Friction detection points

Vraag:

Is it correct that no points are awarded for different levels of friction level / prediction? (schedule A, lot 2, D.1, row 50)

Antwoord:

It is a MUST.

Percelen: P2 2. Dashboard and API with information from vehicles for the purpose of winter management by road managers in the Netherlands

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Onderwerp:
Safety hazard specification

Vraag:

Does every specified 'type of ADAS-intervention' or 'detected behaviour' count as an innovation use case?

Antwoord:

No, ADAS interventions mentioned in row 63 are a must.

Percelen: P3 3. Dashboard and API with information from vehicles for the purpose of displaying unsafe traffic situations on roads in the Netherlands

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Onderwerp:
Safety hazard specification

Vraag:

Can you specify the 'type of ADAS-intervention' and 'detected behaviour' that are a must have? Should these be specific interventions/behaviours, or does the detection of any one intervention or behaviour work towards meeting the must have criterium?

Antwoord:

No, it is up to the Tenderer to describe which solutions are offered.

Percelen: P3 3. Dashboard and API with information from vehicles for the purpose of displaying unsafe traffic situations on roads in the Netherlands

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Onderwerp:
Severity classes

Vraag:

Should parties be able to detect critical damage and distinguish between severity classes from the start, or is it possible to build towards the requested service level over the course of the project? To what extent do you see matching vehicle data to the severity classes as a test or required functionality - of which the non-conformity can be fined??

Antwoord:

A minimum at the start is: "Distinction between two classes and at least critical or non critical". A SMART schedule for further development is necessary.

Percelen: P1 Dashboard and API with information from vehicles for the purpose of asset management by road managers in the Netherlands

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Onderwerp:
Selection procedure

Vraag:

To what extent do you expect bidding parties to deliver a "development-agenda" as part of the proposal?

Antwoord:

A development agenda will certainly contribute to the positive assessment, especially with regard to the innovation component.

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Ref.nr. 36

Onderwerp: Qualification criteria

Vraag:
What are the expected minimum qualifications / service levels at the start of the two year period (15 dec)? Do all 'must have' criteria have to be available from the start, or can these functionalities become available over time?

Antwoord:
See answer 28.

Percelen: P1 Dashboard and API with information from vehicles for the purpose of asset management by road managers in the Netherlands
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Ref.nr. 37

Onderwerp: Selection procedure

Vraag:
Is it possible for a party bidding on multiple lots to give a discount in case of multiple lots won? If so, how is this taken into account in the price/quality calculation?

Antwoord:

See combination discount on Standard form A Tender som.

Percelen: P1 Dashboard and API with information from vehicles for the purpose of asset management by road managers in the Netherlands
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Ref.nr. 38
Onderwerp: Selection procedure

Vraag:
Is there a minimum guaranteed and / or maximum budget available per lot?

Antwoord:
No.

Percelen: P1 Dashboard and API with information from vehicles for the purpose of asset management by road managers in the Netherlands
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Ref.nr. 39
Onderwerp: Selection procedure

Vraag:
Can you please describe decision-process for scoring and granting proposals up to the maximum available budget in more detail?

Antwoord:
We don't know which details you are missing.

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Onderwerp:
Are there any concrete plans / ambitions for continuing the services / use cases asked for in ROMO after the two-year project period?

Vraag:
Do you exclude parties that have a direct and a potentially conflicting interest in applying the generated information (e.g. contractors)? If not, how do you manage these parties/interests?

Antwoord:
The Procurement Act does not allow parties to be excluded in advance.

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Onderwerp:
Continuation of service

Vraag:
Are there any concrete plans / ambitions for continuing the services / use cases asked for in ROMO after the two-year project period?

Antwoord:
Pending on the succes of ROMO, road authorities can decide for themselves

whether there will be a follow-up, decentralized or centrally purchased.

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Ref.nr. 42
Onderwerp: Technical scope

Vraag:
The warnings / output will be delivered through an API to several road manager systems. Is a technical description of the different systems available and can this be shared in this phase?

Antwoord:
No, not at this moment.

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Ref.nr. 43
Onderwerp: Technical scope

Vraag:
Is it allowed to use / fuse / combine data from other data sources then probe vehicle data / vehicle sensor data? Either by itself, or to enrich and / or verify the probe vehicle / vehicle sensor data?

Antwoord:

The basis of this tender is information based on PVD. If other data is required for quality improvement, checks, etc., the tenderer must be transparent about this, so that we can determine whether the non-PVD is being used correctly.

Percelen:

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Onderwerp:

Technical scope

Vraag:

Can you provide a definition for the terms “probe vehicle data” and “vehicle sensor data”?

Antwoord:

Sensor data from connected vehicles.

Percelen:

P1 Dashboard and API with information from vehicles for the purpose of asset management by road managers in the Netherlands

P2 2. Dashboard and API with information from vehicles for the purpose of winter management by road managers in the Netherlands

P3 3. Dashboard and API with information from vehicles for the purpose of displaying unsafe traffic situations on roads in the Netherlands

Beantwoord op:

13-09-2021

Label:

Inhoud

Ref.nr.
45

Onderwerp:

Technical scope

Vraag:

Will detailed asset data available to the road authority (e.g. ARAN, IRI) be

shared with winning parties for use as baseline, comparison and product improvements?

Antwoord:

We can share this kind of information to some extent to enable the growth process (product improvements).

Percelen: P1 Dashboard and API with information from vehicles for the purpose of asset management by road managers in the Netherlands
P2 2. Dashboard and API with information from vehicles for the purpose of winter management by road managers in the Netherlands
P3 3. Dashboard and API with information from vehicles for the purpose of displaying unsafe traffic situations on roads in the Netherlands

Beantwoord op: 13-09-2021

Label: Inhoud

Ref.nr.
46

Onderwerp:
Qualification criteria

Vraag:

Should all use cases (from schedule A) offered by a party be pre-developed and fully functional from the start of the project period, or can points be won for functionality that is to be developed (described in detail with a development plan in the proposal)? Does this differ for must have / should have / could have / nice to have criteria?

Antwoord:

Icoon voor Geverifieerd door de community.

Percelen: P1 Dashboard and API with information from vehicles for the purpose of asset management by road managers in the Netherlands
P2 2. Dashboard and API with information from vehicles for the purpose of winter management by road managers in the Netherlands
P3 3. Dashboard and API with information from vehicles for the purpose of displaying unsafe traffic situations on roads in the Netherlands

Beantwoord op: 13-09-2021

Label: Inhoud

Ref.nr.
47

Onderwerp:
Selection procedure

Vraag:

Is it possible for one entity to be part of multiple consortia, if these consortia bid on separate lots? (so nu multiple bids by one party on one lot)

Antwoord:

Yes.

Percelen:

P1 Dashboard and API with information from vehicles for the purpose of asset management by road managers in the Netherlands
P2 2. Dashboard and API with information from vehicles for the purpose of winter management by road managers in the Netherlands
P3 3. Dashboard and API with information from vehicles for the purpose of displaying unsafe traffic situations on roads in the Netherlands

Beantwoord op:

13-09-2021

Label:

Proces

Ref.nr.
48

Onderwerp:

IP rights for platform

Vraag:

who will keep IP (Intellectual property) rights of the platform, APIs and algorithms developed and other intelligence delivered in this project?

Antwoord:

Contractor.

Percelen:

P1 Dashboard and API with information from vehicles for the purpose of asset management by road managers in the Netherlands
P2 2. Dashboard and API with information from vehicles for the purpose of winter management by road managers in the Netherlands
P3 3. Dashboard and API with information from vehicles for the purpose of displaying unsafe traffic situations on roads in the Netherlands

Beantwoord op:

13-09-2021

Label:

Juridisch

Ref.nr.
49

Onderwerp:

Scope of first dashboard

Vraag:

what are the expectations (functionality wise) of the dashboard that is expected to be online on the 15th of December?

Antwoord:

It is up to the tenderer to indicate in the offer which functionality is operational on 15 December. In addition, a schedule must be issued for further development if not all functionality offered is operational by December 15, 2021.

Percelen:

P1 Dashboard and API with information from vehicles for the purpose of asset management by road managers in the Netherlands
P2 2. Dashboard and API with information from vehicles for the purpose of winter management by road managers in the Netherlands
P3 3. Dashboard and API with information from vehicles for the purpose of displaying unsafe traffic situations on roads in the Netherlands

Beantwoord op:

13-09-2021

Label:

Inhoud

Ref.nr.
50

Onderwerp:

Qualification criteria

Vraag:

"Could the qualifications described in the appendixes (Moscow) change during the two year development period, due to the "development process"?"

Antwoord:

No.

Percelen:

P1 Dashboard and API with information from vehicles for the purpose of asset management by road managers in the Netherlands
P2 2. Dashboard and API with information from vehicles for the purpose of winter management by road managers in the Netherlands
P3 3. Dashboard and API with information from vehicles for the purpose of displaying unsafe traffic situations on roads in the Netherlands

Beantwoord op:

13-09-2021

Label:

Inhoud

Ref.nr.

51

Onderwerp:

Selection procedure

Vraag:

" Does the two year development process only mean improvement of and use or application of the proposed use cases / types of information, or does it also include the possibility to develop new use cases / types of information?"

Antwoord:

New use cases can be added by contractor during the contract term and offered price.

Percelen:

P1 Dashboard and API with information from vehicles for the purpose of asset management by road managers in the Netherlands
P2 2. Dashboard and API with information from vehicles for the purpose of winter management by road managers in the Netherlands
P3 3. Dashboard and API with information from vehicles for the purpose of displaying unsafe traffic situations on roads in the Netherlands

Beantwoord op:

13-09-2021

Label:

Proces

Ref.nr.

52

Onderwerp:

Selection procedure

Vraag:

"How will the preference for one supplier for all the requested applications be determined?
Will you always pick the best scoring consortium per lot or does the performance of the same consortium in another lot also have an influence in the overall selection of the preferred 'one consortium' wish of the client? "

Antwoord:

The Value for Money calculation will also be applied to the prices at combination discount. In case of equal scores, preference will be given to combined lots.

Percelen:

P1 Dashboard and API with information from vehicles for the purpose of asset management by road managers in the Netherlands
P2 2. Dashboard and API with information from vehicles for the purpose of winter management by road managers in the Netherlands

P3 3. Dashboard and API with information from vehicles for the purpose of displaying unsafe traffic situations on roads in the Netherlands

Beantwoord op: 13-09-2021

Label: Proces

Ref.nr.
53

Onderwerp:
Technical scope

Vraag:

"Referring to the sentence "" ... process the information and alarm messages via an API in systems of at least three different road managers"", does this mean that we need to integrate information from 3 different road managers for each lot (so up to 3x3=9 road managers) or can the same road managers' information be called by the API systems for all lots? "

Antwoord:

A maximum of three systems of road authorities can be connected via an API per lot.

Percelen:

P1 Dashboard and API with information from vehicles for the purpose of asset management by road managers in the Netherlands

P2 2. Dashboard and API with information from vehicles for the purpose of winter management by road managers in the Netherlands

P3 3. Dashboard and API with information from vehicles for the purpose of displaying unsafe traffic situations on roads in the Netherlands

Beantwoord op: 13-09-2021

Label: Inhoud

Ref.nr.
54

Onderwerp:
Selection procedure

Vraag:

which has higher priority in the selection procedure: the fact that a party satisfies all three lots or, quality and budget criteria per lot?

Antwoord:

See answer 52.

Percelen:

P1 Dashboard and API with information from vehicles for the purpose of asset management by road managers in the Netherlands

P2 2. Dashboard and API with information from vehicles for the purpose of winter management by road managers in the Netherlands
P3 3. Dashboard and API with information from vehicles for the purpose of displaying unsafe traffic situations on roads in the Netherlands

Beantwoord op: 13-09-2021
Label: Proces

Ref.nr. 55
Onderwerp: Selection procedure

Vraag:
Kan het gebeuren dat u de (verschillende) winnende partijen van verschillende percelen aanwijst om samen te werken/ontwikkelen?

Antwoord:
No.

Percelen: P1 Dashboard and API with information from vehicles for the purpose of asset management by road managers in the Netherlands
P2 2. Dashboard and API with information from vehicles for the purpose of winter management by road managers in the Netherlands
P3 3. Dashboard and API with information from vehicles for the purpose of displaying unsafe traffic situations on roads in the Netherlands

Beantwoord op: 13-09-2021
Label: Proces

Ref.nr. 56
Onderwerp: Contract fines

Vraag:
Bent u bereid Artikel 2.3 van het Draft Agreement te schrappen, omdat boetes niet verzekeraar zijn en dit artikel derhalve in strijd is met de Gids Proportionaliteit, zo nee waarom niet? Is het risico voor een van beide partijen in redelijkheid/onder reële voorwaarden verzekeraar (let op: Een veel gehoorde misvatting is dat alles verzekeraar is. Dit is niet het geval. Daarbij moet worden bedacht dat indien er een verzekering op de markt beschikbaar is, niet altijd betekent dat ook alle risico's onder die verzekering gedekt zijn. Met name garantieverplichtingen, boetes of vrijwaringen zijn in de regel onverzekerbaar.)
Contract/Legal (Artikel 2.3 Draft Agreement)

Antwoord:

Q: Are you prepared to delete Article 2.3 of the Draft Agreement, because fines are not insurable and this article therefore conflicts with the Proportionality Guide, if not why not? Is the risk for either party reasonably insurable/under fair conditions (note: A common misconception is that everything is insurable. This is not the case. It should be borne in mind that if insurance is available on the market does not always mean that all risks are covered under that insurance, in particular warranty obligations, fines or indemnities are generally uninsurable.)
Contract/Legal (Article 2.3 Draft Agreement).

A: No, this is a standard government agreement that certainly aligns with the proportionality guide.

Percelen:

P1 Dashboard and API with information from vehicles for the purpose of asset management by road managers in the Netherlands
P2 2. Dashboard and API with information from vehicles for the purpose of winter management by road managers in the Netherlands
P3 3. Dashboard and API with information from vehicles for the purpose of displaying unsafe traffic situations on roads in the Netherlands

Beantwoord op:

13-09-2021

Label:

Inhoud

Ref.nr.
57

Onderwerp:

Development over time

Vraag:

In the end of page 13 of the tender document it says there are developments to made during the two year running time. Does this mean that the requirements branded "M" may be enhanced over time to fulfill the requirements?

Antwoord:

A 'MUST' must be available from the start. It may, however, be further developed if it is described transparently.

Percelen:

P1 Dashboard and API with information from vehicles for the purpose of asset management by road managers in the Netherlands
P2 2. Dashboard and API with information from vehicles for the purpose of winter management by road managers in the Netherlands
P3 3. Dashboard and API with information from

vehicles for the purpose of displaying unsafe traffic situations on roads in the Netherlands

Beantwoord op: 13-09-2021

Label: Contract

Ref.nr.
58

Onderwerp:
Schedule A Requirements and wishes ROMO

Vraag:

In dit overzicht staan o.a. de Must Haves waaraan voldoen moet worden om voor gunning van een perceel in aanmerking te komen. Dit zijn uitsluitingscriteria. Voor de overige Should Have, Could Have, Nice to have kan een aantal punten verdiend worden die rechts in de excel genoemd staan.

a) Is het aangeven van het voldoen aan één van deze eisen (naast de must have eisen) voldoende om de betreffende EMVI punten te scoren?

of

b) Wordt hier een relatie gelegd met de beschrijving van onze oplossing?

c) Indien hier inderdaad een relatie gelegd wordt (antwoord vraag 2b) Kunt u uitleggen hoe u dit gaat beoordelen?

Antwoord:

The tenderer must explicitly indicate in the description of the solution which use cases and functionality are described. It is up to the assessment team to assign a value to this, as described in 4.7.

Percelen:

P1 Dashboard and API with information from vehicles for the purpose of asset management by road managers in the Netherlands

P2 2. Dashboard and API with information from vehicles for the purpose of winter management by road managers in the Netherlands

P3 3. Dashboard and API with information from vehicles for the purpose of displaying unsafe traffic situations on roads in the Netherlands

Beantwoord op: 13-09-2021

Label: Proces

Ref.nr.
59

Onderwerp:
Document Public European Tendering Procedure Descriptive Document – ROMO Pagina 15 en 17

Vraag:

We ontvangen per 1 december 2021 de definitieve gunning. De eis is dat de opdrachtnemer al per 15 december een operationeel dashboard (per perceel) beschikbaar maakt voor de aanbesteder en daarmee voor de wegbeheerders in Nederland. Dit betekent een netto doorlooptijd van 14 dagen om 1 tot

maximaal 3 dashboards te maken. Een dashboard tonen is op zich geen probleem, een zinvol dashboard tonen waarin diverse klantspecifieke requirements gevraagd worden op basis van Probe Vehicle Data vraagt coördinatie en afstemming met de Probe Vehicle Data supplier en ons front-end integratieteam. Een termijn van 3 a 4 maanden lijkt ons realistischer om een eerste minimum viable product op te kunnen leveren.

a) Kunt u de termijn aanpassen?

of

b) Kunt u de eisen van het dashboard welke op 15 december getoond moet worden sterk nuanceren? (Passend bij een doorlooptijd van 14 dagen)

Antwoord:

No.

The market consultation has shown that solutions are already available in the market. This tender is not a development assignment, but it does provide the opportunity to further develop a solution.

Percelen:

P1 Dashboard and API with information from vehicles for the purpose of asset management by road managers in the Netherlands

P2 2. Dashboard and API with information from vehicles for the purpose of winter management by road managers in the Netherlands

P3 3. Dashboard and API with information from vehicles for the purpose of displaying unsafe traffic situations on roads in the Netherlands

Beantwoord op: 13-09-2021

Label: Inhoud

Ref.nr.

60

Onderwerp:

Data gathering responsibility

Vraag:

Just for clarity: Are you looking for suppliers to obtain/gather the in-car data themselves besides providing the dashboard or will RWS be providing the in-car data?

Antwoord:

The supplier has to obtain/gather the in car data themselves.

Percelen:

P1 Dashboard and API with information from vehicles for the purpose of asset management by road managers in the Netherlands

P2 2. Dashboard and API with information from vehicles for the purpose of winter management by road managers in the Netherlands

P3 3. Dashboard and API with information from vehicles for the purpose of displaying unsafe traffic situations on roads in the Netherlands

Beantwoord op: 13-09-2021

Label: Uitvoering

Ref.nr.
61

Onderwerp:
Indemnification (clause 5.4 Agreement)

Vraag:

Article 5.4 sets out an indemnification against any claims for damages as a result of a failure to discharge our obligations. Contractor has, of course, a professional responsibility when it comes to the performance of services. In that context, a safety net has already been included by law and by the existing terms and conditions regarding Contractor's liability for its professional errors towards Contracting Authority. However, indemnifying Contracting Authority against claims from third parties goes further and is contrary to what is customary within our professions. We therefore propose that the indemnification set out in article 5.4 of the Agreement is declared inapplicable. Can you agree to this?

Antwoord:

Answer will be sent as soon as possible.

Percelen: P1 Dashboard and API with information from vehicles for the purpose of asset management by road managers in the Netherlands
P2 2. Dashboard and API with information from vehicles for the purpose of winter management by road managers in the Netherlands
P3 3. Dashboard and API with information from vehicles for the purpose of displaying unsafe traffic situations on roads in the Netherlands

Beantwoord op: 13-09-2021

Label: Contract

Ref.nr.
62

Onderwerp:
Unlimited liability (article 5.3 Agreement)

Vraag:

We cannot accept an unlimited liability as mentioned in article 5.3 of the Agreement. It is customary in our industry for parties to agree on a market-based limitation of liability. Normally, in our industry, liability for direct damages caused by a professional error is limited to a maximum amount of one time (1x) the fee payable by the Contracting Authority for the services. In case of intent or willful recklessness this limitation does not apply.

Liability for indirect damages is generally excluded unless caused by intent or willful recklessness of Contractor. We therefore request to declare article 5.3 of the Agreement inapplicable and to apply the statute of limitation set out in clause 21 of ARVODI-2018.

Can you agree to this?

Antwoord:

No. This is an attributable shortcoming. In those cases, the Contractor must have willingly failed and must pay the damage for this.

Percelen:

P1 Dashboard and API with information from vehicles for the purpose of asset management by road managers in the Netherlands

P2 2. Dashboard and API with information from vehicles for the purpose of winter management by road managers in the Netherlands

P3 3. Dashboard and API with information from vehicles for the purpose of displaying unsafe traffic situations on roads in the Netherlands

Beantwoord op: 13-09-2021

Label: Contract

Ref.nr.

63

Onderwerp:

Penalties (art. 2.3 Agreement)

Vraag:

The penalty mentioned in article 2.3 is unacceptable. Contractor is for the performance of services, to a certain extent, dependent on the cooperation of Contracting Authority. If Contractor fails to perform within agreed or extended terms due to the fact that Contracting Authority fails to comply with any obligation properly, in full or in time Contractor cannot be held to a penalty. Furthermore, there can always be unforeseen circumstances which are not attributable to Contractor which can lead to a delay in performance. In such circumstances paying a penalty is very unreasonable and also not customary. Finally, if Contractor fails to perform the services in time and Contracting Authority as a consequence thereof suffers damage, clause 21 of ARVODI-2018 applies which acts as a safety net for Contracting Authority with regard to liability of Contractor. For the reasons mentioned above, we request article 2.3 of the Agreement to be declared inapplicable. Can you agree to this?

Antwoord:

See answer 56.

Percelen:

P1 Dashboard and API with information from vehicles for the purpose of asset management by

road managers in the Netherlands
P2 2. Dashboard and API with information from vehicles for the purpose of winter management by road managers in the Netherlands
P3 3. Dashboard and API with information from vehicles for the purpose of displaying unsafe traffic situations on roads in the Netherlands

Beantwoord op: 13-09-2021
Label: Contract

Ref.nr.
64

Onderwerp:
Order of precedence (art. 1.2 Agreement)

Vraag:

Art.1.2 of the Agreement sets out an order of precedence between documents. However, at the moment answers of the Contracting Authority in the Q&A Sessions, which could create a deviation regarding to the documents currently mentioned in this article, are not mentioned. It is customary that the answers of the Q&A sessions are also mentioned in these kind of clauses.

We therefore suggest to amend article 1.2 of the Agreement as follows:

1. The Q&A Sessions
2. This document;
3. the ARVODI-2018;
4. the request for quotations;
5. the other Schedules;
6. the Quotation issued by the Contractor to the Contracting Authority on [data]

Can you agree to this?

In case you are not willing to amend article 1.2 as mentioned above, can you then guarantee that deviations based on the Q&A Sessions will be implemented in the Agreement?

Antwoord:

You are right. We will change this.

Perceelen:

P1 Dashboard and API with information from vehicles for the purpose of asset management by road managers in the Netherlands
P2 2. Dashboard and API with information from vehicles for the purpose of winter management by road managers in the Netherlands
P3 3. Dashboard and API with information from

vehicles for the purpose of displaying unsafe traffic situations on roads in the Netherlands

Beantwoord op: 13-09-2021

Label: Contract

Ref.nr.
65

Onderwerp:
Ontbrekende bepalingen - Indemnification in favor of the Contractor

Vraag:

It is desirable and customary within the industry to agree on a indemnification in favor of the contractor. However, there is no indemnification in favor of the contractor included in the Contract. Are you willing to agree on the following provision and add to the Contract:

“The Contracting Authority shall indemnify the Contractor against any and all claims of third parties arising from or connected to the work performed or work to be performed for the Contracting Authority, unless such claims result from intent or willful recklessness on the part of the Contractor. This indemnity is also stipulated on behalf of the persons, both individually and jointly, forming the Engagement Team of the Contractor.”

Do you agree with this?

Antwoord:

No.

Percelen: P1 Dashboard and API with information from vehicles for the purpose of asset management by road managers in the Netherlands
P2 2. Dashboard and API with information from vehicles for the purpose of winter management by road managers in the Netherlands
P3 3. Dashboard and API with information from vehicles for the purpose of displaying unsafe traffic situations on roads in the Netherlands

Beantwoord op: 13-09-2021

Label: Contract

Ref.nr.
66

Onderwerp:
Processing of personal data (art. 14 ARVODI-2018)

Vraag:

In general, when providing the (envisaged) services to clients, we act as a personal data controller within the meaning of the GDPR, not as a data processor. This means that it is not necessary nor required to enter into a data processing agreement. As a data controller, we are independently obliged to

comply with all applicable privacy legislation. We have internal policies and procedures concerning data privacy and security in place to ensure that personal data is duly protected and processed in compliance with the GDPR. We have designated a Data Protection Officer and have a dedicated Data Privacy Legal Department which – together with the IT Security Department – support KPMG Advisory on this topic.

The GDPR does not require us to make arrangements on the data processing by KPMG as both parties are independently responsible for compliance with the GDPR. Nonetheless, a personal data protection section is included in the applicable KPMG Advisory General Terms and Conditions. This section includes provisions regarding the processing of personal data by KPMG, this concerns for example provisions re. data breaches and complaints or requests from data subjects.

In the context thereof, we suggest that- as we qualify as data controller when providing most of the Services as an independent verification agent - we will not allow Contracting Authority giving us instructions regarding the processing of personal data and therefore we will not enter into the data processing agreement as referred to in art 14.2 ARVODI-2018. Can you agree with this?

This does not affect the fact that Contractor shall oblige to the requirements regarding privacy set out in the Descriptive Document.

Antwoord:

Answer will be sent as soon as possible.

Percelen:

P1 Dashboard and API with information from vehicles for the purpose of asset management by road managers in the Netherlands

P2 2. Dashboard and API with information from vehicles for the purpose of winter management by road managers in the Netherlands

P3 3. Dashboard and API with information from vehicles for the purpose of displaying unsafe traffic situations on roads in the Netherlands

Beantwoord op: 13-09-2021

Label: Contract