
Nota van inlichtingen Services of a knowledge partner for the knowledge component assignment of the Reversing the Flow programme

Aanbesteding: Services of a knowledge partner for the knowledge component assignment of the Reversing the Flow programme
Aanbestedende Dienst: Ministerie van Economische Zaken en Klimaat, Rijksdienst voor Ondernemend Nederland (RVO)
Referentie: 202306120

Toelichting:

Ref.nr. **Onderwerp:**
1 Reserve Contractor Agreement

Vraag:

Is a Tenderer by submitting a Proposal committed to and obliged (if he fulfils the minimum of 60 points criterium) to enter into a reserve contractor agreement upon being ranked second?

Antwoord:

This question will be answered together with all other questions submitted before 11 September 2023, 12.00 noon CET in the First Memorandum of Information which will be published at the latest 19 September 2023.

Percelen: P1 Knowledge partner for the knowledge component assignment of the Reveversing the Flow programma
Beantwoord op: 12 sep. 2023
Label: Contract

Ref.nr. **Onderwerp:**
2 Appendix 03 Draft Agreement: Article 2

Vraag:

The project will start 15/01/24. If the contract will be signed by both parties after 15/01/24, are costs made on or after 15/01/24 but before signing of the contract by last person (e.g. 1/2/2024) eligible?

Antwoord:

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Contract

Label:

Ref.nr.

3

Onderwerp:

Appendix 10 Prices and rates

Vraag:

We are unclear about what should be covered out of the fee for the expert /consultant and the team leader: does this concern only costs related to passport and visa (i.e. travel documents) or does this also include travel and accommodation costs (air tickets, etc)?

Antwoord:

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Beantwoord op:

12 sep. 2023

Label:

Contract

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4

Onderwerp:

Subcontracting

Vraag:

We are unsure about the allowed or preferred constellation of applicants. Is sub-contracting allowed; are other forms than single applicant or consortium foreseen?

Antwoord:

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Label:

Contract

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Onderwerp:

Annex B Work Packages

Vraag:

Can you confirm that the relation between the knowledge partner and the hub is one where the knowledge partner depends on requests for support by the hub (demand-driven is mentioned repeatedly in the workpackages) and this support is never technical? And if yes, what will RVO do in case the hub is comfortable to do the work independently and has no need for support?

Antwoord:

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Label: Uitvoering

Ref.nr.
6

Onderwerp:
Tender document 2.1.5

Vraag:

Could you reflect on the reasons for the changes in the choice of countries? So why relatively safe countries (Mozambique, Jordan, Malawi) were kept outside the call in favour of three countries with civil war or disruptive conflict (Ethiopia, Sudan, Burkina Faso)? How do you see RtF being implemented, including the role of the knowledge partner, in countries and regions heavily affected by conflict where work may be halted due to this?

Antwoord:

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Label: Inhoud

Ref.nr.
7

Onderwerp:
Tender Document paragraph 5.2

Vraag:

The process was cancelled due to administrative procedural complications, however, the ToR changed considerably in content in terms of the required

competencies (expertise in LLA, IWRM and landscape approach no longer needed, levels in knowledge management no longer mentioned, etc). Could you reflect on the reason for these content changes?

Antwoord:

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Label: Inhoud

Ref.nr.

8

Onderwerp:

Appendix 03 Draft Agreement: article 2.1 and 4.3

Vraag:

The Contracting Authority has a option to unilaterally extend the contract for phase 2. Will the Contractor by entering in to the agreement for phase 1 be obliged to accept such extension, or does Contractor have the right to decline such extension and end the agreement after phase 1?

Antwoord:

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Ref.nr.

9

Onderwerp:

Appendix 03 Draft Agreement: article 2.2

Vraag:

In the first sentence: 15 January 2023 should probably be 15 January 2024? Please confirm

Antwoord:

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Information which will be published at the latest 19 September 2023.

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Ref.nr. 10
Onderwerp: Appendix 03 Draft Agreement: article 3.4

Vraag:
Paragraph 2.7.4 clarifies the right to (prematurely) terminate the agreement without compensation with the explicit exception for Services performed and accepted by Contracting Authority. Can this explicit exception added to article 3.4 of the Draft Agreement?

Antwoord:
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Label: Juridisch

Ref.nr. 11
Onderwerp: Appendix 03 Draft Agreement: optional articles 4.11 and 4.12

Vraag:
There are three options for article 4.11, whereas two for article 4.12, there seems to be some mismatch in the numbering. Please elaborate which article 4.12 combines with which article 4.11

Antwoord:
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12

Onderwerp:
Appendix 03 Draft Agreement: Article 6.1

Vraag:

Article 6.1 seems to be implying that the Contractor must have a physical office in the selected Hub countries. Can you confirm? And in that case, do we comply with this requirement if one of the Consortium Partners is based in one or more of the selected Hub countries and with a physical office there, while that or another of the Consortium Partners has a physical office outside the selected Hub countries?

Antwoord:

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Label: Contract

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13

Onderwerp:
Appendix 03 Draft Agreement: Article 6.1

Vraag:

We assume one office per hub-country suffices even when that hub-country has two hubs/landscapes? Please confirm

Antwoord:

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14

Onderwerp:
Annex 03a DPA schedule 1 Appendix 03 Draft Agreement, article 1.2
Annex 05 Waiting Room Agreement article 2.4

Vraag:

Annex 03a - DPA: Schedule 1 states: 'The Contractor may process the personal data of involved parties of the Reversing the Flow programme in order to execute their assignment for the Reversing the Flow knowledge component.' Even though there might, and will, be personal data involved in the performance of the Services required for the knowledge Component, the Services do not encompass processing activities by the Contractor for the Contracting Authority. Any processing by the Contractor needed for the performance of the Services is under the sole responsibility of the Contractor himself. Therefore, in our opinion, a DPA between the Contracting Authority and the Contractor is not in order and would be misplaced. There might be sharing of personal data in order to be able to contact/invite persons, however that will be data sharing between Contracting Authority and Contractor, not Processing and therefore a DPA is also not applicable. Please confirm. If you can not confirm inapplicability of a DPA, Please elaborate why the process described has to be qualified as actual Processing for the Contracting Authority.

Antwoord:

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15

Onderwerp:

Tender document RtF section 3.3.3, 5.3, 5.5, Appendix 10, Appendix 03
Draft Agreement article 4.6

Vraag:

In section 3.3.3 it is mentioned that the maximum hourly rate for a consultant /expert of the proposed team is Eur 75, and that this maximum rate is based on a mixed team of local consultants/experts and international consultants /experts.

We assume that what is meant here is that the maximum AVERAGE hourly rate for the whole team of experts/consultants (except the teamleader) is Eur 75. This would imply that the hourly rate of international consultants could be higher than Eur 75, as long as the average of all fees does not exceed Eur 75. Please confirm that our interpretation is correct

Antwoord:

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Ref.nr. 16
Onderwerp: Tender document RtF section 3.3.3, 5.3, 5.5.

Vraag:
In section 3.3.3 it is mentioned that the offered rates have to reflect market rates. In case our interpretation of 3.3.3. is not correct (see our previous question with ref. nr. 15) and the hourly fee of any individual consultant /expert has to be 75 max, then it will not be possible for many international consultants to comply with the requirement of market rates, as these rates are usually much higher than Eur 75/hour. Please explain.

Antwoord:
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Label: Inhoud

Ref.nr. 17
Onderwerp: Tender document RtF 2.1.5 Table 1

Vraag:
There is a confirmed Hub in Sudan. But given the current situation in Sudan and the instruction by BUZA to not travel to Sudan (red code), what are the options to carry out project activities there?

Antwoord:
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Label: Inhoud

Ref.nr. 18
Onderwerp: Tender document RtF 3.3.6, Appendix 03 Draft Agreement: article 4.8

Vraag:
The document states that the first request for indexation can only be submitted in 2025. However, as the project will start in 2024, we believe that the first request for indexation can already be done in October 2024 (for the year 2025). Please confirm.

Antwoord:
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Label: Inhoud

Ref.nr. 19
Onderwerp: Tender document RtF 4.3.2

Vraag:
Project references must be signed by the referee / client. In the past we sometimes experienced problems to obtain the signature, for example, when the contact person of the client left the organization. What could be done in such case, if this happens again?

Antwoord:
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Label: Proces

Ref.nr.

20

Onderwerp:

Tender document RtF 3.1 and 4.3.2, appendix 03 Draft Agreement: article 5.3

Vraag:

We would like to know the status of the list of requirements in section 3.1. In order to meet all these requirements it would be necessary to include a range of local consultants. Would you require to see all CV's of the consultants necessary to cover all requirements in section 3.1, or would you focus only on the more concise list of core competences mentioned in section 4.3.2?

Antwoord:

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Inhoud

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21

Onderwerp:

Arvodi 2018: Article 31

Vraag:

Proposal: Article 31 also applies to the Contracting Authority

Antwoord:

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Label:

Juridisch

Ref.nr.

22

Onderwerp:

Arvodi Article 26.2

Vraag:

Proposal: Article 26.2, first sentence to be: "Upon request by the Contracting

Authority, the Contractor will present insurance certificates for the insurances referred to in paragraph 1”.

Antwoord:

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Ref.nr.
23

Onderwerp:
Budget

Vraag:

The scope of services is very extensive while the budget available rather limited for the duration and geographical coverage of the project. Would there be scope to increase the budget? If this is not the case would the RVO be open to receiving bids with a proposal for a reduced scope of services to align with the available budget?

Antwoord:

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Label: Proces

Ref.nr.
24

Onderwerp:
Budget

Vraag:

On page 35 it is stated that “The maximum hourly rate for a consultant / expert of the proposed team is EUR 75 excluding VAT (and including all local taxes and costs). This maximum rate is based on a mixed team of local consultants / experts (from the Hub countries) and international consultants / experts.” Can you confirm the maximum hourly rate of 75 EURO is applied

to the average rate of the expert team and not to specific individuals?

Antwoord:

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25

Onderwerp:

precedent tender

Vraag:

We note that this tender was preceded by a so called European “restricted procedure” “Reversing the Flow“ which has been cancelled after assessing the requests for participation. Can you provide further information on the number of proposals the RVO received and provide the reasons why the previous process was cancelled?

Antwoord:

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Label: Proces

Ref.nr.
26

Onderwerp:

Arvodi Articles 24.1 and 24.6

Vraag:

Proposal: Articles 24.1 and 24.6 are not applicable.

Antwoord:

This question will be answered together with all other questions submitted before 11 September 2023, 12.00 noon CET in the First Memorandum of Information which will be published at the latest 19 September 2023.

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Ref.nr.
27

Onderwerp:
Arvodi Article 24.7

Vraag:
First sentence also applies to the Contracting Authority and in last sentence: "Parties are obliged to take reasonable actions"

Antwoord:
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Ref.nr.
28

Onderwerp:
Arvodi Article 24.3

Vraag:
Proposal: Article 24.3 will be: "The Contractor will remain the owner of all knowledge and intellectual property that he owned before the start of the Services, as well as the knowledge and intellectual property developed outside the framework of the Services. Methods and techniques, as well as improvements thereof, will remain the property of the Contractor".

Antwoord:
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Ref.nr.
29

Onderwerp:
Arvodi Articles 21.3 and 24

Vraag:
Proposal: Article 21.3 will also be applicable to Article 24.

Antwoord:
This question will be answered together with all other questions submitted before 11 September 2023, 12.00 noon CET in the First Memorandum of Information which will be published at the latest 19 September 2023.

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Label: Juridisch

Ref.nr.
30

Onderwerp:
Arvodi Articles 22.2 en 22.3

Vraag:
Article 22.2 and 22.3 will not be applicable. Instead, the statutory provisions regarding force majeure will apply.

Antwoord:
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Ref.nr.
31

Onderwerp:
Arvodi Article 21.3

Vraag:
Proposal: article 21.3 sub c is not applicable.

Antwoord:
This question will be answered together with all other questions submitted before 11 September 2023, 12.00 noon CET in the First Memorandum of

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Label: Juridisch

Ref.nr. 32
Onderwerp: Arvodi Article 13.3

Vraag:
Proposal: to introduce a time limit of maximum 6 months after the presentation of an interim report or final report.

Antwoord:
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Label: Juridisch

Ref.nr. 33
Onderwerp: Arvodi Articles 13.1 en 13.2

Vraag:
Proposal: Articles 13.1 and 13.2 are also applicable to the Contracting Authority.

Antwoord:
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Label: Juridisch

Ref.nr.
34

Onderwerp:
Arvodi Article 6.2

Vraag:

Proposal: article 6.2 last sentence is not applicable if this person is replaced by someone with more expertise or experience or by a more senior researcher.

Antwoord:

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Label: Juridisch

Ref.nr.
35

Onderwerp:
Arvodi Article 5

Vraag:

Proposal: addition of the following text: “provided that the Contractor will make every reasonable effort to meet the deadlines and delivery dates stated.”

Antwoord:

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Ref.nr.
36

Onderwerp:
Arvodi Article 4.2

Vraag:

Proposal: after the word ”Services”: introduce “due to professional misconduct”

Antwoord:

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Label: Juridisch

Ref.nr.
37

Onderwerp:
Arvodi Article 3.1

Vraag:
Proposal: replace the word “guarantees” with the words “has a best effort obligation”

Antwoord:
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Label: Juridisch

Ref.nr.
38

Onderwerp:
Annex 05 Waiting Room Agreement article 2.3, 2.4, 2.9, 2.10

Vraag:
Contracting Authority unilaterally decides whether to execute the provisions in the Warranty Room Agreement or not in case the contract with Contractor 1 ends after the inception phase. Does Contractor have the right not to enter into contract for the remainder of the contract term with the Contracting Authority?

Antwoord:
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Percelen: P1 Knowledge partner for the knowledge component assignment of the Reversing the Flow

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	programma
Beantwoord op:	12 sep. 2023
Label:	Contract