

Memorandum of Information 1

Clarification questions on Tender "Quantum Scanning Probe Microscope (QSPM), Ref. 2024 FPL/INK 006, date 08-02-2024"

No.	Section nr. / subject	Question	Answer
1	1.4 - Scope and content of the proposed Contract - 7	You request delivery terms DDP (incoterms 2020), yet in 2.2.22 you state: prices excluding VAT. Can we interpret this as DDP excluding VAT?	As mentioned in paragraph 2.2.22, prices and costs must be stated in euros excluding VAT. If necessary, in case the Contract is awarded to your company, TNO can bring you into contact with a company that usually takes care of customs clearance etc. for TNO, and is for example aware of the reverse charge mechanism on imports, article 23.
2	2.2.20 - Legally valid signature - 13	The electronic signature format you suggest is a national standard thus not available to overseas entities. Can we use equivalent security level digital signatures from EU/EFTA/EEA countries? If so, please confirm requested security level.	Any E-recognition tool with an equivalent security level 4 (EH4) is allowed, eIDAS level high in other words.
3	5.1 - Assessing Grounds of Exclusion - 19	last paragraph, it states 'no later than two (2) working days after publication of the announcement of the procurement procedure.' question: is the publication of this document intended, or the publication of the decision to award? If this document is intended we wish to underline the physical impossibility of meeting this requirement - it takes more than two full days just to read the procurement documents should this be done with the required attention to detail.	In our Tender, we ask for a number of different Suitability Requirements. Instead of requiring these various documents to be submitted within the Tender deadline, a completed and signed Self-Declaration will be sufficient in the first instance. The ESPD thus serves as preliminary proof that your company meets the requirements set out by TNO in the Tender. Only on TNO's request, the Tenderer to which TNO intends to award the Contract will need to submit the supporting documents (referred to in section 7.1) and not later than two (2) working days after publication of the announcement of the Procurement Procedure. If a supporting document has not been obtained in a timely manner, but has been requested in good time and the failure to obtain it is not due to a circumstance within the Tenderer's sphere of risk, the Tenderer will not be excluded.
4	2.2.18 - Contract terms - 13	referring to the Purchase & supply agreement, Annex C02, in article 6.2 alternative payment terms are mentioned but not clarified how these can be proposed. Please confirm these can be discussed after contract award?	The payment schedule we would like to propose here is as follows: <ul style="list-style-type: none"> • 30% at order, after receipt of a bank guarantee covering 30% of the total amount; • 50% after delivery at location TNO Delft, STW At this moment TNO will return the bank guarantee. • 20% after installation and commissioning On-site and Site Acceptance Test (SAT) including test periods, approved by TNO, Management Quantum Technology and Procurement. A more favorable payment schedule for TNO (payments later in time) may be offered as an alternative to this one, and can be discussed after Contract award. The Tenderer to whom the Contract will be awarded must provide a bank guarantee to TNO, covering at least 40% of the total price. The Bank guarantee and the bank who issues the Bank guarantee have to be approved by TNO (minimal A rating). TNO must have the right to draw the bank guarantee in any and all cases where Tenderer falls short in fulfilling its obligations under the Contract. The validity of the bank guarantee may not expire until approval of the SAT by TNO Management and Procurement. Alternatively to a bank guarantee, TNO also accepts a Parent Company Guarantee, in which the parent company agrees to the repayment of the progress payment in the event that tenderer, or wholly owned subsidiary, defaults on the supply of a QSPM, which is the subject of this order.
5	6.1.2 - Sub-award criterion: Quality (QY) - 24	It states '...this means annexes or references to them should not form part of the answer in order to get round the set maximum number of pages in this way.' Our question: we could not find the set maximum number of A4 pages per reply/answer, can you please clarify?	TNO has not set a page maximum for its requirements/preferences where Tenderer can describe in more detail how the requirement/preference will be met. When Tenderer indicates that he meets the stated requirement/preference, we naturally ask Tenderer to give us (some) insight into the solution you offer so that it can be verified that Tenderer does indeed meet the requirement/preference
6	1.4 - Scope and content of the proposed Contract - 7	1.4.1, last paragraph, you mention service contracts for 5 years, up to 2028; a) 2024 delivery plus five years is 2029, correct?	Correct
7	1.4 - Scope and content of the proposed Contract - 8	1.4.1, last paragraph, you mention service contracts for 5 years, up to 2028; b) does this mean the service contract should be concurrent with the warranty? In this case past-warranty costs may not be the same as costs during warranty (i.e. the warranty will cover things in the service agreement already). Please clarify.	Services, e.g. calibration of the QSPM is not equivalent to warranty for us. When purchasing a product, TNO is always entitled to the statutory warranty. This means that TNO is entitled to a good product. If a product fails, TNO is entitled to free repair, a new product or a refund of our money. Did TNO use the product normally but simply wear it out? If so, in principle TNO has no warranty claim, but falls back on the maintenance contract. As stated in the Tender, the intention to enter into a maintenance contract depends on the price and whether it falls within the total available budget.
8	7.1 - Requesting supporting and other documents from intended beneficiary - 26	You request certificates of conduct for procurement; we can supply certificates of conduct for all authorised signatories, which in the past was sufficient for European tenders. A certificate for our company as an entity does not seem to exist. You state 'where applicable', therefore we understand this is sufficient, however please confirm.	Correct
9	7.1 - Requesting supporting and other documents from intended beneficiary - 26	you request Declaration of Payment Behaviour from Dutch tax authorities; we can supply the same from our local Tax authorities. Please confirm these are sufficient.	That will be sufficient

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10	2.5.2 - Sending and grading Tender - 16	Referring to Appendix A02; please confirm you expect the reference customer's to sign and stamp the last page of the Appendix A02, or if this should be done by the tenderer.	This should be done by Tenderer
11	8.1 - QSPM Requirements - 27	8.1.29 EMO, do you mean emergency minimum operation state? If not please clarify	Correct
12	8.2 - Programme of preferences - 30	8.2.5 given the rationale is for enhanced precision, we presume these values are to be achieved in closed-loop (metrology sensor on z); Please confirm these are closed-loop operation values	Correct, these are closed-loop operation values
13	8.2 - Programme of preferences - 30	8.2.8 We are struggling to understand which samples could be relevant for this evaluation. 50x50x15mm Iron weighs ca. 250g, please can you give examples of samples of such size and weight that would be relevant to study with a scanning NV magnetometer (specifically designed for high sensitivity to small magnetic fields)? We request this criteria is reviewed.	This preference expresses the wish for a robust sample stage/scanner, that allows flexibility to accommodate samples up to the specified weight. As such, it also expresses a wish to be future-proof. This instrument will be part of a facility and we cannot foresee future applications and their corresponding sample characteristics at this moment. Please specify in your answer the max. sample weight that applies to your instrument.
14	8.2 - Programme of preferences - 30	8.2.12 please specify this with regard to settling time, i.e. 2nm/h drift can be achieved after x hours from instrument turn-on, x minutes from tip exchange etc. Without this settling time anything is indeed possible...	If conditions apply to achieve this preference please specify these conditions in your answer.
15	8.2 - Programme of preferences - 30	8.2.16 please likewise specify the settling time you consider appropriate.	Please quantify the signal stability along with a settling time, and other conditions if applicable, in your answer.
16	8.2 - Programme of preferences - 30	8.2.27 please explain with which internal procedure this clock signal should be synchronised?	This clock can link to an internal procedure used to sync your AFM acquisition with the photon collection, MW generator, and laser controller.
17	8.2 - Programme of preferences - 30	8.2.34 Please specify requested implantation depth, in accordance with your premise that the instrument should measure small magnetic field variations. Please also specify whether single NV or multiple NV tips are considered here?	This preference is intended to state the importance of availability of compatible NV probes throughout the instruments lifetime. It is anticipated that single NV probes will be used primarily, but that multiple NV probes are not excluded. We do not specify an implantation depth. However, as indication a depth of ~10nm can be taken as base.