



Ministry of Economic Affairs
and Climate Policy

Memorandum of information European tender independence questions (1st part)

The third-party review of a feasibility study as preparation for the construction of two new nuclear power plants

Date: May 8, 2024

The contracting authority considers it appropriate to share the to the independence questions with you in advance by means of this memorandum of information. Therefore, you hereby receive the answers to four (4) questions in this memorandum of information of the above-mentioned European tender. This memorandum of information forms an integral part of the tender document (with reference 202311142).

You will receive the answers to the remaining questions in the Memorandum of Information May 14, 2024 (according to time schedule).

Question Number - Memorandum of information	Question tenderer of the tender document	Answer of the Contracting Authority
31	Please can the Contracting Authority confirm that the current consultants are conflicted out of bidding for this work as it's an independent third-party review?	According to the Contracting Authority, it is plausible that there are conflicts of interest with the consultants that are directly and consistently involved and preparing the Technical Feasibility Studies and the Market Consultation for EZK. These parties may therefore be excluded from the assignment. However, in line with the Public Procurement Act, parties still have the opportunity to justify in the European Single Procurement Document, that competition will not be adversely affected and that sufficient measures have been taken to comply with the requirement set out in Chapter 3, 3.1.2.1 of the tender document. The Contracting Authority will then review their justification in order to conclude whether they meet the requirements or not.
32	Please can the Contracting Authority confirm that the technology vendors and their direct supply chain for the completion of the feasibility study reports are conflicted out of bidding for this work?	Note the answer above. Also, we confirm that the three technology suppliers cannot meet the requirement in chapter 3, 3.2.1.1 and are therefore excluded for this tender. For other parties in their direct supply chain, in case of any form of involvement in the Feasibility Study for the Dutch NPP project, the party in question should justify this in the European Single Tender Document and describe the nature of this involvement, and why this is deemed not to compromise the independence and impartiality of said party in the role of Third-party Reviewer. The Contracting Authority will then review their justification in order to conclude whether they meet the requirements or not.
33	What is the view of the Contracting Authority on the participation of a party to the 3rd party review consortium, when this party has provided	See previous answers questions 31 and 32.

	data, information or analysis to either the vendors or their consultant for the preparation of the TFS?	
34	In the Tender Document Section 3.1.2 - Conflict of Interest it is stated that the Contractor shall "...maintain complete impartiality and independence from the technology providers involved in the execution in the Third-party Review." and it is noted that "...conducting this review does not bar the Contractor from participating in tenders for succeeding preparatory steps." 1. Please, could you confirm whether participating in the Third-party Review will prevent the contractor to participate in the design, construction and/or commissioning of the future NPP directly for the selected Technology Vendor? 2. As the answer to this question will be crucial to clarify whether the aforementioned conflict of interest exists or not and, subsequently, for the Tenderers to decide whether to bid or not, please, could you make an exception and provide the answer to this question before the publication of the Memorandum of Information on May 14th?	1. We confirm that conducting the Third-Party Review does not exclude parties from subsequent tenders for the Dutch new nuclear power plant construction project. 2. Agreed. Answers regarding the independence of parties will be provided in advance, hereby.