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SELECTION GUIDANCE

European restricted or negotiated tender

Project number:	P000176
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1 Introduction

This selection guidance is intended for interested businesses that wish to participate in the selection procedure for the replacement VTS-radar system Groningen Seaports (NL) project.

This selection guidance includes:
- The description of the contract;
- The timetable of the tender procedure;
- The requirements a candidate should comply with in order to be eligible for an invitation to tender;
- The selection method and the selection criteria;
- The information that has to be provided by candidates on registering for the selection procedure;
- The other provisions for the progress of the tender procedure.

The purpose of the entire tender procedure is to select a contractor to replace the complete VTS-radar system of Groningen Seaports.

This selection guidance is focused on reducing the number of candidates to a maximum of four, which shall be invited to participate in the tender phase of this tender on the basis of the selection phase.

1.1 Definition of terms

The terms used in this selection guidance are defined in Section 1.1 of the Procurement Act or in this chapter.

1.2 Annexes

Annexes to the selection guidance, being:
Annex A – European Single Procurement Document (ESPD)
Annex B – References form
Annex C – Model third-parties statement
Annex D – Use of personal data consent form

1.3 Selection phase documents

All the documents introduced by Groningen Seaports in this procedure. They include at least this document, the documents referred to in paragraph 1.1 and the Summary of Additional Information and Changes, and their amendments.

1.4 Contract

Groningen Seaports will issue a one-off contract to replace the VTS-radar system.

A maintenance contract for a period of two years, with an option of renewing twice for one year, will also form part of the contract.

More information and specific substantive information about the contract is included in chapter 2 of this selection guidance.

1.5 Client/contracting authority

Groningen Seaports n.v.
Handelskade Oost 1
PO Box 20004
9930 PA Delfzijl
The Netherlands

Reference	: P000176
Department	: Nautical Service Centre
Contact person	: C.M. Oosterveld
Available at	: TenderNed/ Message or by telephone on +31 (0)596 640400

1.6 Standard form

Form included by Groningen Seaports in the annexes to the selection guidance with the aim of achieving maximum comparison of the information provided by the tenderers. The standard forms are the compulsory format for supplying information. This means that the tenderer may not amend or supplement the text as it deems fit. If the standard forms have been amended or supplemented nevertheless, the tenderer will be excluded from this selection procedure without any reimbursement of costs.

2 The contract

2.1 Reason for the contract

Groningen Seaports is responsible for safe and smooth shipping in the ports of Delfzijl and Eemshaven. Shipping in the ports is supported remotely by the HCC (Harbour Control Centre). The HCC is staffed 24/7 and uses a VTS-radar system, a camera system, and a VHF system to communicate with shipping.

The current radar system is no longer supported by the supplier, necessitating Groningen Seaports to replace the system in full.

Groningen Seaports is responsible for safe shipping in the ports, and consequently the radar should provide optimum performance in this area. The area around the port, including a large part of the river Eems, should also have good radar coverage.

2.2 The contract

In essence, the service to be provided consists of:

- To supply, configure, install and to hand over a complete ready-to-use VTS-Radar system, including radars, aerials, the required hardware and software, and network components.
- Service and maintenance for at least two years.
- Annual refresher training for the users.
- To improve the quality of the radar picture compared to the current radar.

The port of Delfzijl is equipped with 4 radar posts. Each radar post has an electricity connection, emergency power supply, air-conditioning, and is connected to the Groningen Seaports fibre-optics network. A number of dark fibres is available for the VTS Radar in the fibre-optics network.

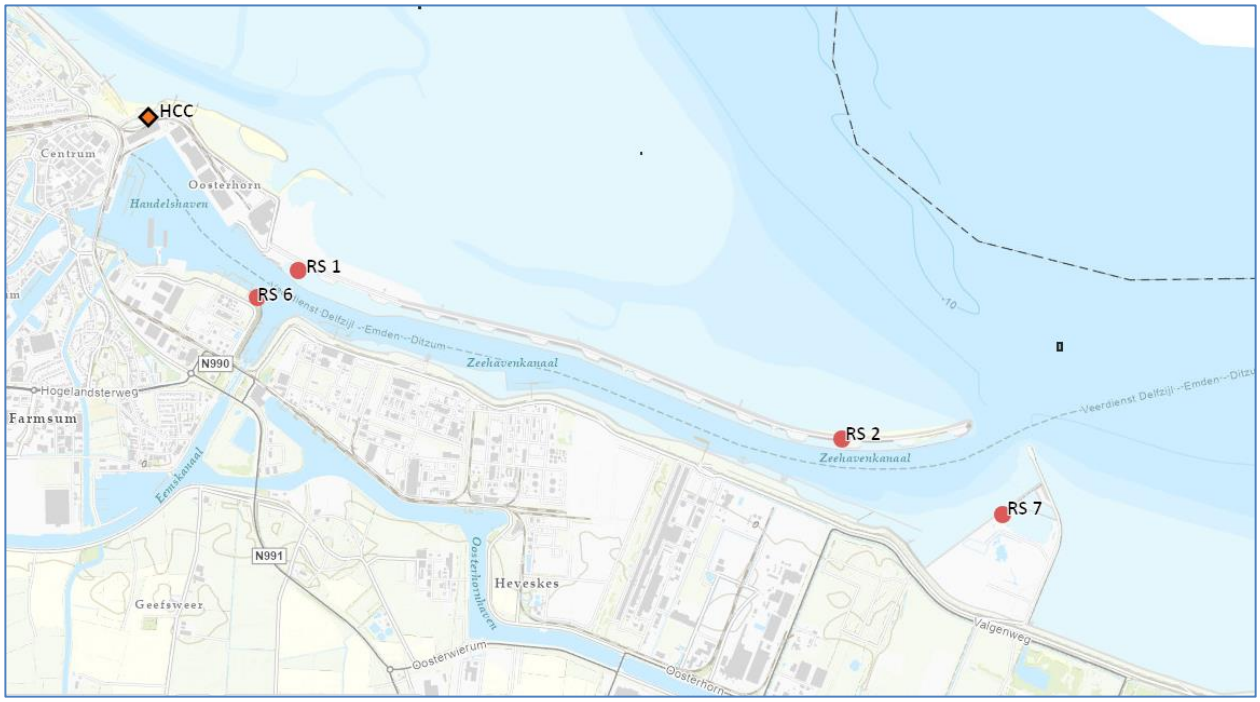
The port of Eemshaven is equipped with 3 radar posts. Each radar post has an electricity connection, emergency power supply, air-conditioning, and is connected to the Groningen Seaports fibre-optics network. A number of dark fibres is available for the VTS Radar in the fibre-optics network.

Groningen Seaports' own fibre-optics network is laid between Delfzijl and Eemshaven.

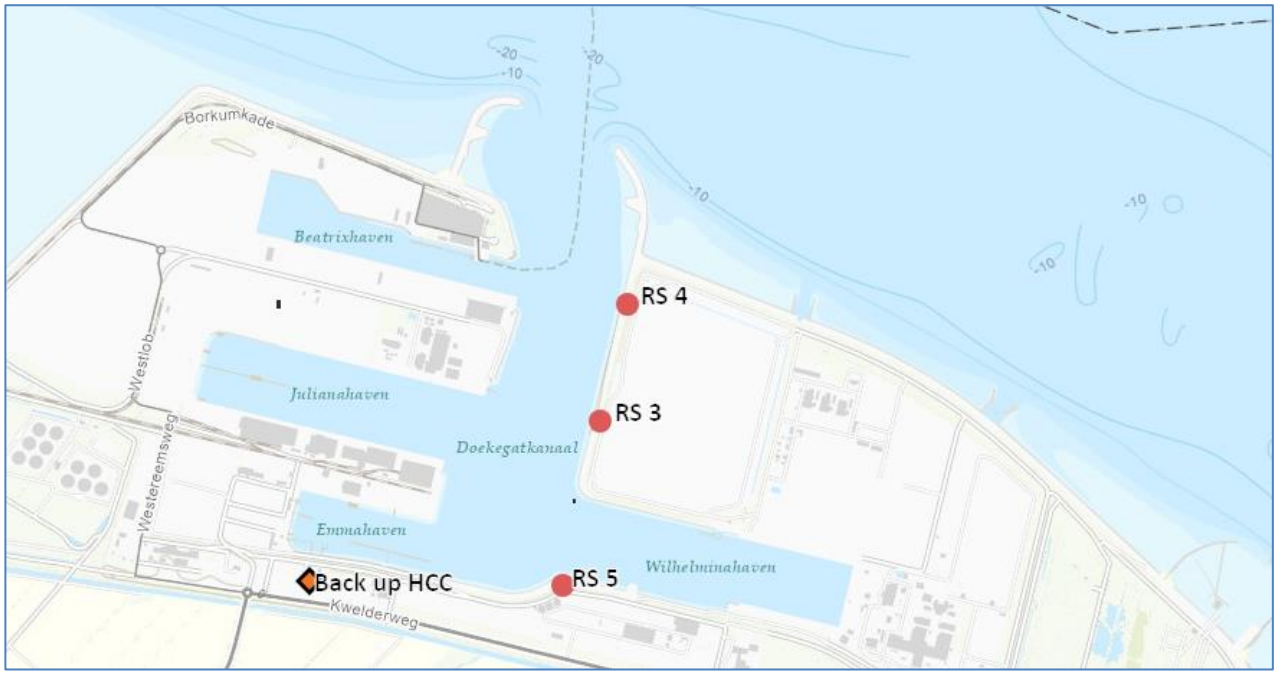
The new VTS-radar system will have at least the same functionalities as the existing system.

The current system comprises:

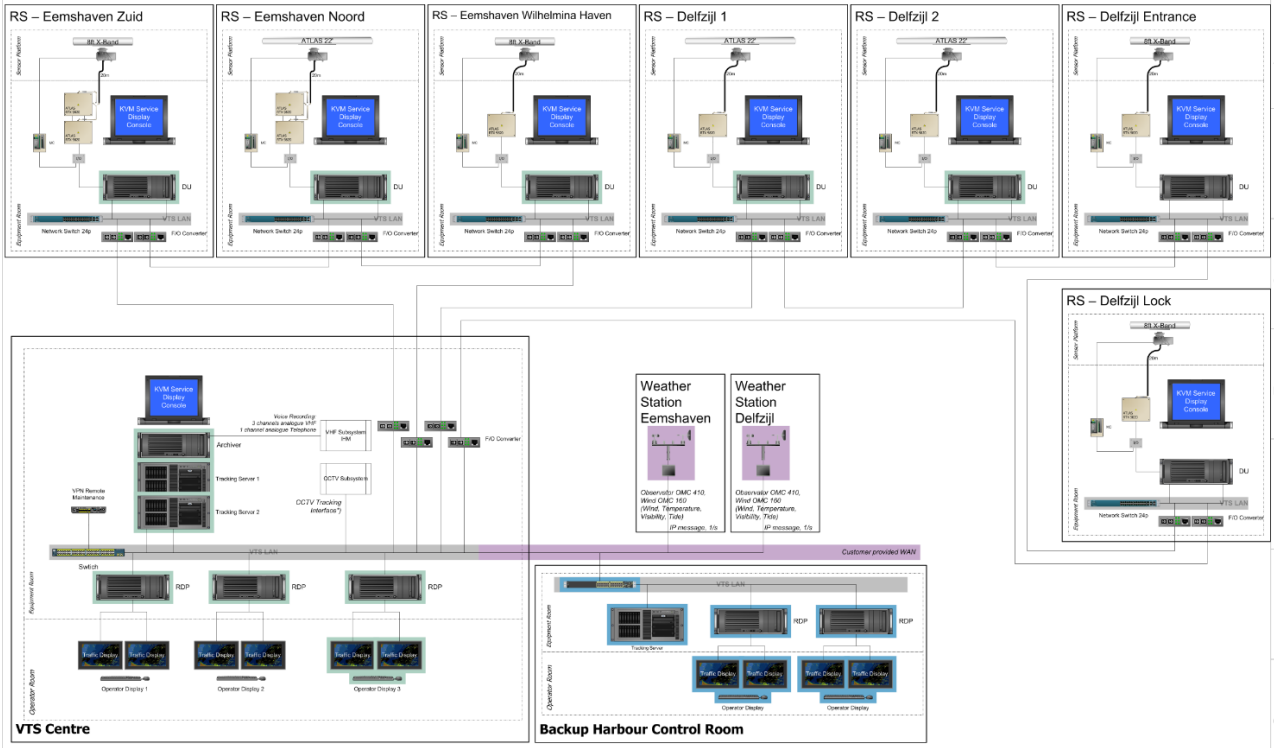
- 7 radar posts
- 2 workstations for shipping traffic control HCC Delfzijl
- various servers in Delfzijl
- 2 workstations back-up site Eemshaven
- various servers in Eemshaven
- 1 workstation for service and replay in Delfzijl
- 1 AIS base station Delfzijl
- 1 AIS base station Eemshaven
- link with Meteo/Hydro system
- link with VHF system
- various switches and routers



Overview Delfzijl



Overview Eemshaven



Current system configuration

3 Tender procedure

3.1 General

The tender procedure is conducted in accordance with the European restricted or negotiated procedures. This choice of this tender procedure is in accordance with the Groningen Seaports tender policy.

This tender procedure takes place fully electronically via TenderNed (www.TenderNed.nl). If you have any questions about how to use TenderNed, please visit the TenderNed website, where you will find a user guide and the telephone number of the helpdesk.

3.2 Communication and language

All communication, both verbally and in writing, takes place in the English language. This applies to the selection and the tender procedure and the performance of the contract. An exception is made for documents originally written in a different language, such as technical descriptions of materials and references or testimonials of foreign tenderers.

Candidates are not permitted to approach people from the Groningen Seaports organisation with specific questions about the content of this tender procedure. Candidates that act in breach of the provisions of this paragraph may be excluded from further participation in the tender.

3.3 Tender phase and award criteria (EMVI-BPKV)

After the registration phase, the selected candidates receive an invitation to tender accompanied by the tender documents via TenderNed.

The submitted tenders will be assessed by the contracting authority on the basis of the 'best price-quality ratio' award criterion.

Price-quality ratio:
- Price : 25%
- Quality: 75%

At the moment, the contracting authority aims to detail the quality criteria in the tender guidance that pertain to, in random order:

- Service
- Improving the current radar picture
- Training
- Ease of use
- Lead time of the project

3.4 Timetable of the tender procedure

This selection guidance includes the timetable for the tender procedure, which is as follows:

ACTIVITY	DATE/TIME
Selection phase	
Publication of the announcement and selection guidance on TenderNed	25 January 2024
Deadline for receiving questions prior to the registration	08 February 2024 12:00 PM
Publication of the Summary of Additional Information and Changes of the registration phase	15 February 2024
Deadline for receiving registrations	22 February 2024 10:00 AM
Opening the safe with registrations	22 February 2024 10:30 AM
Announcement of the results of the registrations	11 March 2024
Objection period against selection decision	12 to 18 March 2024
Tender phase	
Invitation to tender via TenderNed	20 March 2024
Viewing of the site	08 April 2024
Questions in the context of justifiable commercial interest	21 March to 8 April 2024
Deadline for receiving questions prior to the tender	12 April 2024 12:00 PM
Publication of the Summary of Additional Information and Changes of the tender phase	18 April 2024
Deadline for receiving tenders	30 April 2024 10:00 AM
Opening the safe with tenders	30 April 2024 10:30 AM
Publication of the official report of the tender	No later than 2 May 2024
Sending the award decision	14 May 2024
Objection period of at least 20 days (stand-still period)	From to 4 June 2024
Sending the award and rejections	4 June 2024
Publication of the announcement of the awarded contract	5 June 2024

This is an approximate timetable and the dates are target dates. Should it become apparent that these deadlines cannot be met for whatever reason, Groningen Seaports shall notify the tenderers, stating the new target dates. The tenderer cannot derive any rights from the dates included in the timetable.

3.5 Further information regarding the registration

Candidates have the opportunity to obtain more information about the announcement and the documents relevant to the registration.

- Questions may only be asked in writing via TenderNed/Questions. Questions that are submitted in another way, are not dealt with.

- When you ask questions, please refer to the page number, article number, section number and lot, where possible, whilst stating the name of the relevant tender document.

- The questions must be received no later than the date set out in paragraph 3.10. Any requests for information received by Groningen Seaports after that date or received incorrectly (i.e. via a route other than TenderNed/Questions) do not have to be answered.

- During the selection phase, questions shall be answered continuously via TenderNed by means of a dynamic summary of additional information and changes. The contracting authority strives to answer incoming questions within 3 working days.

- The Summary of Additional Information and Changes will be published on TenderNed no later than the date set out in paragraph 3.12.

- Candidates shall download the Summary of Additional Information and Changes from TenderNed (www.tenderned.nl).

3.6 Reasons in the context of the Procurement Act 2012

The contract consists of one lot, as the work constitutes a coherent whole. Furthermore, by offering the work in this way, without dividing it into lots, Groningen Seaport aims to prevent inefficiency and additional costs for both the market players and itself. The work concerns a coherent whole, which makes it unattractive to divide it into several lots from a structural, organisational, or financial point of view.

3.7 Conflict of interests

The contracting authority may exclude a candidate from further participating in the tender procedure if it is or was involved in the preparation of the tender on the part of the contracting authority, or if that candidate makes use of companies, consultants, employees or other natural persons or legal entities that are or were involved in the tender. The same applies when natural persons or legal entities from the group of the candidate have or had such an involvement.

The contracting authority shall not exclude a candidate if that candidate demonstrates that the competition is or will not be impeded by said involvement in the circumstances of that specific case.

3.8 Confidentiality

All tender documents shall remain strictly confidential and may only be shown to staff and any consultants who have to take cognisance of them in order to be able to submit data. Groningen Seaports and any consultants it engages shall treat the submitted documents with the same degree of confidentiality. Subject to statutory provisions, the documents shall only be shown to staff who are directly involved in the tender procedure.

3.9 Intellectual property of tender documents

Subject to exceptions determined by legislation or regulations, no part of these tender documents may be multiplied or published (other than for the purpose of this tender procedure) by means of print, microfilm, photocopy or otherwise without written permission from Groningen Seaports.

3.10 Provided data and verification

Groningen Seaports reserves the right to check the accuracy of all data and to gather further information where necessary. Groningen Seaports shall always do so with due regard to procurement law, i.e. in such a way that the content of the tender is not changed. Groningen Seaports assumes that all requested information has been completed and provided truthfully. If this proves not to be the case, the relevant tenderer shall be excluded from further participation in this tender procedure at that point.

3.11 Reimbursement of registration costs and tender costs

The contracting authority shall not reimburse costs incurred by candidates in connection with the registration phase in any way.

Candidates who participate in the tender phase and submitted a valid tender, shall not be eligible for a tender fee. This is in connection with the effort, deemed proportional by Groningen Seaports, required to submit a tender in the tender phase.

3.12 Conflicts and imperfections

The tender documents and all the corresponding annexes have been prepared with the greatest possible care. They may nevertheless contain ambiguities or imperfections.

The candidate shall warn the contracting authority immediately in the event this selection guidance contains such errors or defects that it is in breach of legislation and regulations, or if it would be acting in breach of the requirements of reasonableness and fairness.

If a candidate cannot agree to the content of the tender documents, the answers to the questions in the context of the Summary of Additional Information and Changes, or the contracting authority's response to the candidate's complaints, the candidate shall commence interim-relief proceedings before the registration time referred to in paragraph 3.4.

3.13 Complaint procedure for tender procedures

Groningen Seaports has decided not to set up a voluntary internal complaints procedure. If the tenderer wishes to submit a complaint, this can be done as follows:

- Pursuant to title 9.1 of the General Administrative Law Act;
- By submitting a complaint to the Committee of Procurement Experts. The approach of this Committee is described in the document “Complaints procedures for Tenders”, Part 2 of the Committee of Procurement Experts (dated 7 March 2013). For general notes, we refer to this document (www.pianoo.nl or www.ez.nl)

On the basis of “Complaints procedures for Tenders”, you should always submit a complaint to Groningen Seaports first before you submit a complaint to the Committee of Procurement Experts.

3.14 Legal protection and standstill period

Interim-relief proceedings due to not being able to agree to the content of the announcement and the selection guidance, the answers to the questions in the context of the Summary of Additional Information and Changes for the registration phase, or the response of the contacting authority to the candidate's complaints, should be instigated with the Noord-Nederland District Court, location Groningen within the period for submitting the registration.

After all registrations have been assessed and the selected candidates have been determined, the selection decision follows. The selection decision is announced via TenderNed. The date of sending via TenderNed is deemed the date of the selection decision.

For seven calendar days of the date of this writing, it is possible to object to the selection decision by instigating interim-relief proceedings with the competent court of the Noord-Nederland District Court in Groningen. The aforementioned period is an expiry period. This means that if the candidate has not actually instigated interim-relief proceedings within 7 calendar days of sending the notification of the section decision, the relevant candidate can no longer object to that decision in interim-relief proceedings; his right has been forfeited. In that case, the contracting authority is free to continue with the tender procedure.

3.15 Personal-data protection

The General Data Protection Regulation (GDPR) has been effective since 25 May 2018. By submitting a tender you provide personal data, such as the name and contact details of the representatives of your company and your subcontractors. We need this data to determine the legal validity of the tender and the level to which your company is bound to the tender. When you submit your tender in TenderNed, you are asked to grant unequivocal permission for the processing of this personal data. You should use the form in Annex D. You are entitled to withdraw the consent by means of a message on TenderNed.

Without unequivocal permission, Groningen Seaports may not and cannot make use of this personal data, and we will unfortunately have to put your tender aside. The tender will then be regarded as not submitted.

4 Grounds for exclusion and suitability requirements

The contracting authority shall assess the candidates who submit a request to participate on the basis of the exclusion and suitability requirements described in this chapter. The candidate shall comply with the requirements imposed by this chapter.

If it becomes apparent at any time that a candidate provided incorrect information, or if the contracting authority holds that it acts in breach of legislation and regulations or requirements as imposed in the selection guidance, that candidate may be excluded from further participation in the tender.

4.1 Grounds for exclusion

For the grounds for exclusion that apply to this procedure, we refer to paragraph 3.13 of the Works Procurement Regulations (ARW 2016) and part III of the European Single Procurement Document (Annex 1). If the candidate cannot prove that the grounds for exclusion as referred to in paragraph 3.13 of the ARW 2016 and the European Single Procurement Document do not apply to him, nor the third parties he relies on, he can be excluded from further participation in the tender.

4.2 Suitability requirements

The candidate shall demonstrate that he complies with the suitability requirements imposed by paragraphs 4.2.1 to 4.2.3.

4.2.1 Financial-economic standing

There are no suitability requirements in respect of financial and economic standing.

4.2.2 Technical competency: Quality assurance and certification

IMO guideline A.1158(32) Guidelines for vessel traffic services.

Timetable

The contractor must be able to complete the entire project no later than by Q2 2025.

Service

The contractor must be able to carry out the maintenance of the entire system. In the event of a fault, the contractor must be able to have a mechanic on site within 24 hours.

4.2.3 References

Reference 1:
Over the past 10 years, the contractor has supplied, installed, and maintained at least three port-related systems in Europe.

Reference 2:
The contractor has at least three comparable maintenance contracts in Europe.

5 Selection criteria

If, on the basis of the grounds for exclusion and suitability requirements, as described in paragraph 4.1 and 4.2, there are more than four candidates that are eligible for the tender phase, the contracting authority shall reduce the number of candidates to four on the basis of the references.
A reference that is comparable with Groningen Seaports will receive more points than a reference that is less comparable. The assessment will not only include the size and scope of the system, but also the service contract and comparable situation (port-related).

For this selection criterion, a maximum of 5 points can be scored on the basis of the scale below:

5 points	100%
4 points	80%
3 points	60%
2 points	40%
1 point	20%
0 points	0%

Scores are awarded in full points.

6 Assessment by the assessment committee

The assessment of the reference contracts based on the selection criterion is carried out by an assessment committee that consists of:

- Project Leader
- Harbour Master advisor
- Dept. harbour master
- VTS operator

If necessary, the contracting authority may replace one or more of these assessors with persons in a comparable position.
In the context of this tender procedure, the candidates are prohibited from contacting the members of the assessment committee in a manner other than foreseen by this guidance. Breach of this prohibition may lead to exclusion; see also paragraph 3.3.

6.1 Selection of candidates

The four candidates with the highest final scores are invited to tender. If equal final scores means that more than four candidates would be eligible, the ranking will be determined by drawing lots.
The candidate in question shall be informed of the decision that it is not invited to tender in writing. This notice is subject to the provisions of paragraph 3.14.

In the event one or more selected candidates withdraw before the invitation to tender, the contracting authority may decide to issue an invitation to tender to one or more candidates that were not selected in first instance. In this situation, the contracting authority applies the ranking that was produced by the final scores.

7 Requests to participate

By submitting a request to participate, the candidate states to unconditionally agree to the set-up of the tender procedure described in this selection guidance.

The request to participate shall be submitted via TenderNed no later than on the date and time as included in paragraph 3.4. That time applies as the final deadline. Requests that have not been received by the contracting authority by that time, or that are submitted by post, registered post, fax, email, or another method, shall not be processed by the contracting authority.

To his request to participate, the candidate shall add the following details regarding the candidate itself and every natural person or legal entity of the consortium:

- European Single Procurement Document;
- Reference works form;
- Statements regarding the availability of the competency of third parties (if applicable);
- Consent form for the use of personal data;
- Extract from the Company Register that is not older than six months on the date of submitting the tender.

An authorised representative of the tenderer, as proven by the Register of Companies extract, signs the documents to be submitted. If the authority to sign is evident from a power of attorney, the power of attorney must be appended.
If more than one person is required to sign (for example because of a shared management authority), all signatures must appear on the documents. The absence of a power of attorney and/or one or more signatures is a reason for exclusion without a reimbursement of costs.

The term within which evidence and further notes as referred to in Sections 3.13.9 and 3.22.5, respectively of the ARW 2016 must be received by the contracting authority, amounts to five working days, to be calculated from the sending date of the request to submit this evidence and further explanations.

7.1 European Single Procurement Document (ESPD)

To prove the absence of any ground for exclusion, the candidate shall complete the European Single Procurement Document (Annex A) completely and shall have it signed by the authorised signatory.

Consortium and/or relying on the competency of a third party

If applicable, every natural person or legal entity within the consortium, and the legal entities on which competency the candidate relies (in accordance with Part II section C), shall submit a separate ESPD. Legal entities with whom the candidate aims to place part of the contract but whose competency is not relied on, are included in Part II section D.

7.2 Reference works

For each core competency of the relevant suitability requirement, the candidate is required to submit maximum one reference work by means of the reference work model form (Annex B). On the model form, the candidate shall state to which suitability requirements (core competencies) the reference work pertains.

The following applies to each reference work:

1. The reference work was carried out and completed in a period of ten years prior to the deadline for receiving the requests to participate.
2. If the reference work has not yet been completed, it must be demonstrated that the works to which the core competency pertains have been carried out and completed to the satisfaction of the Client;
3. The scope of the work that pertains to the core competency is equal to or greater than the scope identified for the suitability requirement;
4. A business (a candidate, a member of the consortium or a third party) may only rely on the experience gained in the consortium, if the business actually carried out the work to which the technical competency refers;
5. This has been carried out in a professional, regular way, and to the satisfaction of the client;
6. It was completed within the agreed period, including granted postponement of completion.

The contracting authority reserves the right to verify the suitability of the given references. The candidate is obliged to cooperate.

7.3 Relying on the competency of third parties

If a candidate relies on the competency of one or more third parties, his registration shall demonstrate how he can actually dispose of the experience of those third parties. To that end, the third party concerned signs the appended subcontractor availability model statement (Annex C). Changing and/or disposing of a third party to be engaged by the candidate during the work during the implementation of the contract is only permitted with prior written permission from the client.

The candidate and the third parties that are relied on are bound to continue complying with the statements thought the entire tender. If – during the tender – a ground for exclusion becomes applicable to a candidate or a third party that is relied on, that candidate shall inform the contracting authority of that fact immediately.

7.4 Registering as a consortium

Natural persons and legal entities may only register once - whether or not as a consortium with other natural persons or legal entities – as a candidate, unless following a request from the contracting authority they can demonstrate that the participation is not or will not be affected by the relevant natural person or legal entity registering more than once. For the purposes of applying this provision, natural persons and legal entities that comply with the following conditions are deemed to be one natural person or legal entity:

a. They are affiliated to each other within the meaning of Section 24a Volume 2 Netherlands Civil Code; or
b. They are associated in a group within the meaning of Section 24b Volume 2 Netherlands Civil Code; or
c. They are affiliated to each other in legal forms comparable to a. or b. under foreign law.