



Procurement guide on the European tender under the open procedure for:

*Seismic Campaign Feasibility Phase Einstein Telescope
EMR*

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Contracting authority: NIKHEF
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1. Introduction

1.1. Introduction project Einstein Telescope

The Einstein Telescope will be an advanced observatory for gravitational waves. The border region of the Netherlands, Belgium and Germany is in the picture as a possible location. This is because of its tranquillity, stable soil, and strong ecosystem of knowledge institutions and high-tech companies. Researchers, companies and governments in the Netherlands, Belgium and Germany are jointly exploring the possibilities. The ultimate goal is to build the Einstein Telescope in the Meuse-Rhine Euroregion. For more info see <https://www.einsteintelelescope.nl/en/>.

Project office ET

The Project Office ET, based in Maastricht, is carrying out a feasibility study. This phase includes activities within various disciplines (project management, contract management, technical management, environmental management, project control). The project office uses the IPM (Integrated Project Management) model. The management of the project office is conducted jointly by the delegated principal on behalf of the Province of Limburg and the director of Nikhef.

1.2. Tender designation

This document is the Procurement Guide of the European tender under the open procedure for: "Seismic Campaign Feasibility Phase Einstein Telescope EMR". The reference of this tender is: P2.1_067.

1.3. Contracting authority

The contracting authority, also the future Client, is Nikhef (hereinafter referred to as "Nikhef", or "Client".) Further information about Nikhef as an organization is published on this webpage: <https://www.nikhef.nl/>.

Visiting address: Duboisdomein 30, 6229 GT, Maastricht
 Postal address: P.O. Box 41882, 1009 DB, Amsterdam
 Website: <https://www.nikhef.nl>

1.4. Contact

The contact person for this tender is:

Name	J. Kerstjens	Phone	+31 6 34 84 76 67
Function	Manager Project Control	Email	j.kerstjens@et-emr.eu

PLEASE NOTE: It is only permitted to contact the above contact person at Nikhef in connection with this tender procedure. It is therefore **not permitted to contact** other employees of Nikhef / members of the Project Office ET.

1.5. Documents

1.5.1. Tender documents

The following annexes belong to this Tender Guidelines:

Annex 1	the Assignment Description
Annex 2	Nikhef's General Conditions of Purchase for Supplies and Services. https://www.nwo-i.nl/en/nwo-institutes-organisation/about-nwo-i/purchaseandsalesterms/
Annex 3	Price sheet
Annex 4	European Single Procurement Document (ESPD)

1.5.2. Mandatory use of supplied documents

Various documents to be completed will be made available under this tender. Tenderers are required to make use of these documents. Tenderers may not make any changes to these documents other than completing the requested information

1.5.3. Ranking documents

To the extent that the documents below contradict each other, the higher mentioned document prevails over the lower mentioned one:

1. note(s) of Inquiry*;
2. this Tender Guidelines;
3. the Assignment Description incl. Appendix (**ANNEX 1**);
4. Nikhef's General Conditions of Purchase for Supplies and Services (**ANNEX 2**);
5. your application.

*If several information notes have been published, in the event of contradictions between them, the provisions of the most recent information note shall prevail.

1.5.4. European Single Procurement Document (ESPD)

The European Single Procurement Document (ESPD) is a self-declaration on: financial condition, abilities and suitability of an economic operator for a procurement procedure and is part of the present tender (**ANNEX 4**). Part V is not applicable.

The ESPD does not need to be signed separately. A signature under the registration/notification/price sheet also counts as a signature of the ESPD.

2. Description of the assignment/agreement

2.1. Description assignment

The subject of the tender is acquisition and processing of:

1. **Five high-resolution (20m vertical & 10m horizontal) 2D seismic tie lines** between envisioned corner points along the potential legs of the Einstein Telescope triangle. Connecting into up-to 7 with broad band seismometer and DAS-fiber instrumented wells. These lines will enable mapping the top of the unconformity, steep dipping (above 60°) strata and faults along the legs of the ET-triangle. The total 2D line length is estimated to be ~80-95 km. Possible lines are shown in Figure 2.
2. **Up-to seven high resolution DAS-VSP's** acquired simultaneously with item 1. in instrumented wells. Source points along the 2D lines of item 1, plus additional receiver points on a 2D grid around the observation well where possible, to obtain a very low-fold 3D DAS-VSP.

For a full description of the assignment and the related conditions and requirements, please refer to the Assignment Description included as **ANNEX 1**. If a circumstance terminates the feasibility study, the agreement with the contractor shall also terminate.

2.1.1. Prices

Both the Client and the tenderer shall agree the (unit) prices and (hourly) rates as stated by the winning tenderer on the Price Sheet to be submitted with the tender (**ANNEX 3**). In doing so:

- All quoted (unit) prices and (hourly) rates are exclusive of VAT, but inclusive of other taxes and levies.

- All quoted (unit) prices and (hourly) rates correspond to the complete work and/or services and/or supplies. Costs not included in the prices will not be reimbursed unless otherwise indicated in the tender documents.
- All quoted (unit) prices and (hourly) rates agree including [travel costs, accommodation costs, call-out costs, administration costs, packaging and shipping costs, printing costs, etc.].
- The quoted (unit) prices, (hourly) rates, fees, etc. are fixed and unchangeable during the entire term of the agreement. This means that the quoted (unit) prices, (hourly) rates, fees are not indexed during the entire term of the agreement (including optional extension periods).

2.1.2. Invoicing and payment

Both the Client and the tenderer agree on the following billing schedule:

- Monthly billing based on payment statement approved by Client.

To ensure prompt payment of invoices, they should be sent to the following e-mail address: finances@nikhef.nl

As the formal billing address, you should always include the following postal address on your digital invoices:

*Nikhef
Project Einstein Telescope
Attn: Mr A. van Rijn
PO Box 41882
1009 DB Amsterdam*

Except to the extent deviated from in this paragraph, the provisions of the General Conditions of Purchase (**ANNEX 2**) apply with regard to invoicing and payment.

3. The tendering process

3.1. Type of procurement procedure

Procurement will take place in accordance with the Procurement Act 2012, revised version 2016.

3.2. Planning tender procedure

Date	Activity
27-08-2024	Announcement TED / TenderNed
26-09-2024, 23:59	Deadline and time for submission of questions.
28-09-2024	Send Note of Information I.
09-10-2024, 12:30	Deadline and time for submission of tenders.
16-10-2024	Send Verbal of Tenders and written notification of award decision / intention to award
From 17-10-2024 to 13-11-2024	Suspension period
14-11-2024	Send final award.
18-11-2024	Start date of agreement.

Please note! The dates and times in bold in the above schedule are final dates. The other dates are indicative and not binding. The Client reserves the right to adjust the schedule for both final and indicative dates in the interim. Tenderers should take this into account.

3.3. Note of Information

- One round of questions will be held as part of this tender. Tenderers can ask questions about both the tender procedure and the (performance of the) contract.

- The deadline and time for asking questions is included in the schedule (**section 3.2**).
- Questions can be sent via TenderNed.
- The answers to these questions will be made available by the scheduled date (**section 3.2**).
- The questions asked and the answers provided to them together constitute the Note of Information.
- The Note of Information is an explicit part of the tender documents.
- Client reserves the right to provide information on its own initiative. This information will then form part of the Note of Information.
- At the same time as the Supplementary Information Document at the latest, the principal will announce whether the questions asked have given rise to the amendment of one or more tender documents and, if so, to what extent these documents will be amended.
- All documents pertaining to this tendering procedure have been compiled with due care. If a Tenderer encounters any inconsistencies, ambiguities and/or inadequacies in the Tender Guidelines (including appendices) and/or the Tender Specifications, the Tenderer should make these known at its earliest convenience or ask questions and/or make any objections known. This is possible up to and including the deadline for submitting questions within the framework of the Information Notice. If the tenderer fails to make use of the opportunity offered, this will be at the tenderer's risk. In that case, both the Client and the other tenderers may assume that the tenderer has no objections to the tender procedure and to the provisions and requirements included in the tender documents. By tendering, the tenderer explicitly and unreservedly waives any right to raise objections to the tender procedure and/or to the provisions and requirements included in the tender documents after tendering.

3.4. Tender procedure

3.4.1. Documents

The documents below should be supplied at the time of application:

Document		Annex	Sign
1	Price sheet	Annex 3	Yes
2	European Single Procurement Document (ESPD)	Annex 4	No
3	Reference	N/A	No
4	HSSE and Project Management plan	N/A	No
5	2D Seismic Survey Design for preferred Scenario A	N/A	No
6	2D DAS-VSP acquisition design for Scenario A	N/A	No
7	3D DAS-VSP acquisition design	N/A	No
8	Plan for the Seismic Processing of the acquired 2D lines	N/A	No
9	Plan for the Seismic Processing of the acquired 2D and 3D DAS-VSP's	N/A	No

3.4.2. Completing/signing documents

Some of the Annexes to this Guidelines are documents that must be signed at the time of application. You should print and sign these documents, after which these documents should be made available to the Client in scanned form. At the Client's request (if any), the winning tenderer should provide the original documents prior to award.

The Price Sheet (**ANNEX 3**) must be *fully* completed and duly *signed*.

3.5. Tender conditions

3.5.1. General conditions

With regard to the tender to be submitted, the following general conditions will be applied:

Legal framework procurement procedure

- This open European Procurement procedure is subject to Nikhef's Purchasing and Procurement Policy.
- The relevant provisions of Chapter 1 of the Procurement Act 2012 also apply to this This open European Procurement procedure. .
- For the rest, this tender procedure is governed by Dutch law.

Application rules

- This invitation to tender is not a contract nor can it be construed as such. No rights may therefore be derived from this invitation.
- Making a application is only possible through TenderNed.
- Tenders must be submitted by the deadline and time for submission of tenders (= 'the closing date') specified in the schedule (section 3.2).
- A tender must be in accordance with the provisions of the tender documents, including the provisions of: the Tender Guidelines, the Assignment Description (**Annex 1**), the associated appendices and the Note(s) of Information. By submitting a tender, Tenderers declare that they agree to all that the Client has prescribed in the Tender Documents.
- A tender with conditions attached or which does not comply with the rules, requirements and conditions set out in the tender documents is **invalid**.
- Subject to the statutory power, but not a duty, of the principal to request (further) information and to enable a tenderer to rectify certain shortcomings in its tender, tenders that do not comply with the stipulated regulations, requirements and conditions, as included in tender documents (Procurement Guide, Assignment Description, etc.) are **invalid**.
- The Client conforms to the provisions of the Tender Cost Reimbursement Guide (October 2018). Pursuant to the provisions of this Guide, the Client will not incur any costs for a tender. In the event that a tender does not result in an award, there will therefore be no entitlement to reimbursement of any costs incurred.
- Tenders should be valid for 30 (thirty) days from the deadline for receipt of tenders. In the event of summary proceedings in connection with this tender procedure, the validity of the submitted tender shall be automatically extended to eight days after the ruling in summary proceedings.
- Appendices are attached to these Tender Guidelines which must be completed in full and/or the questions set out therein must be answered in full, both generally and specifically. If the tenderer decides not (or not able to) answer a question, it must indicate this explicitly and with reasons, before the deadline and time mentioned in the schedule for submitting questions in the context of the Memorandum of Information I. It is emphasized that the commissioning authority reserves the right not to further consider incomplete tenders.
- The risk of missing information and/or answers due to incorrect or incomplete adoption of statements, data and declarations rests with the Tenderer. Depending on the nature and extent of the omission or inaccuracy, this may result in exclusion.
- The documents or data provided by bidders upon submission or otherwise in connection with the present tender procedure will not be returned upon completion;
- In performing the work, the Contractor guarantees that no infringement of any copyright or any other proprietary right of third parties will be made. The Contractor shall indemnify and hold the Client harmless for all damages and costs arising from any infringement or alleged infringement of any third party property right. The Contractor expressly waives intellectual property rights.

- If any changes occur or threaten to occur in your business operations that affect the progress of the tender, you should notify the contact person of this tender as soon as possible.
- Where brand names and/or versions are used in these Tender Guidelines, the Tender Specifications (**ANNEX 1**), the other appendices and/or Memorandum(s) of Information, or where standards, programmes, patents or types, or a certain origin or production are indicated, these should be read with the addition: "*or equivalent*".

3.5.2. Reserve

The Client reserves the right until the moment of final award, without more and without being liable for damages in any way (for example, for: compensation of tender costs, lost profit or other damages):

- suspend or abort the tender procedure in the interim;
- change the timing of the tender process and/or the contract;
- not to award the contract at all.

The Client therefore has no obligation to award the contract. By submitting a tender, the tenderer agrees to this reservation.

3.6. Confidentiality and privacy statement

3.6.1. Procurement confidentiality

All information provided and received in the context of this tender will be treated as confidential. This publication may only be used in the context of this tendering procedure. All tenders received under the tender become the property of Nikhef upon receipt and will also be treated confidentially.

3.7. Taxation, environmental protection, labour protection and working conditions obligations

Tenderers are obliged to comply with the laws and regulations in force in the Netherlands on taxation, environmental protection, labour protection and working conditions. Further information in this regard is available from:

- Inland Revenue, for tax provisions: www.belastingdienst.nl
- Ministry of Infrastructure and the Environment, for provisions on environmental protection: www.rijksoverheid.nl/ministeries/ienm
- Ministry of Social Affairs and Employment, for provisions on employment protection and working conditions: www.rijksoverheid.nl/ministeries/szw, such as: the Foreign Nationals (Employment) Act (WaV)¹ and the Act on Tackling Shadow Constructions (WaS)².

3.8. Minutes of opening of tenders

The Client shall prepare a record of the opening of tenders received in time. This official record will be sent to all tenderers as soon as possible after the opening of tenders.

¹ See also: <https://wetten.overheid.nl/BWBR0007149/2018-01-01>

² See also: <https://wetten.overheid.nl/BWBR0036706/2017-07-01>
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4. Eligibility requirements

There are 5 eligibility requirements under this tender procedure. Bidders must meet these suitability requirements.

4.1. Eligibility requirement: reference(s)

For the performance of the contract, a Tenderer must possess sufficient technical and professional competence. In this context, a Tenderer should possess the 5 core competencies listed below, which should be demonstrated by submitting one or more **documents/references**.

Core competence 1

Seismic survey design (2D, 3D, 2D DAS-VSP, 3D cross-spread DAS-VSP) - **Reference project(s)**

Core competence 2

Seismic survey acquisition according to design including permitting – **Reference project(s)**

Core competence 3

HSSE management system compliant with European Agency for Safety and Health at Work and the local safety and health regulations – **Certificate / HSSE plan**

Core competence 4

Quality management including project planning and execution – **Certificate / Project management plan**

Core competence 5

Seismic processing of the acquired data – **Reference project(s)**

4.2. Insurance register

The contractor must provide evidence of sufficient insurance to cover property damage, financial loss and personal injury, valid in the Netherlands, Flanders and Wallonia. The sum insured for personal injury must be at least a flat rate of 5 million Euro; the sum insured for property damage and financial loss must be at least a flat rate of 5 million Euro. This list includes a listing of the insurances taken out by the contractor during the acquisition, including but not limited to the following details:

- Subject of the insurance
- Maximum sum covered by the insurance policy
- Validity of the insurance in the Netherlands, Flanders and Wallonia

In addition, the contractor must maintain public liability insurance and environmental damage insurance and provide evidence of this when submitting the tender

The existence of insurance cover at the time of contract performance must be proven to the Client when submitting the tender. The insurance cover must exist for the entire duration of the project.

4.3. List of previous projects & references

The bidder must demonstrate that it has successfully worked on 2D land seismic acquisition and processing projects of similar depth ranges of this project within the last 5 years.

In addition, the bidder must include at least 1 reference project showing that a seismic subsurface image has been successfully generated using the proposed seismic acquisition technique (in particular the proposed energy source). This seismic image must image usable subsurface reflections at the minimum depth of 100m.

5. Award criterion and methodology

5.1. Award criterion

The award criterion for this tender is the **Economically Most Advantageous Tender**, which in this tender is determined on the basis of **Best Price-Quality Ratio ("BPQV")**. Tenders will be assessed against this award criterion.

Award will therefore be made to the tenderer:

- whose bid meets the minimum requirements, (technical) specifications, standards and conditions set out in the tender documents;
- who meets the specified suitability requirements;
- which offered the Best Price-Quality Ratio.

5.2. Assessment methodology

First, all timely submitted tenders will be checked for completeness. An incomplete tender may be set aside as invalid. The Client may demand a supplement to and/or clarification of the tender or request the submission of certain missing documents/documents, to the extent that this is not contrary to the principles of procurement law. The Client is not obliged to do so.

Once the tender has shown that it meets the minimum requirements and specifications set out in the tender documents, the tender will be assessed on the award criterion (Best Price-Quality Ratio).

When assessing for Quality, an assessment team has been set up. The members of the assessment team first assess each tender individually on Quality. One or more plenary sessions of the assessment team then take place, during which the final assessment of the tenders on Quality is determined by consensus.

The assessment team will not take notice of the Prize until after the assessment on Quality has been completed.

5.3. Best value for money

In assessing the tenders, points are awarded for Price and for technical Quality. The tender with the highest combined score for Quality and Price will be considered the tender with the Best Price-Quality Ratio.

If several tenderers finish exactly equal, the tender with the highest score for technical Quality will be regarded as the tender with the Best Price- Quality Ratio. In the unlikely event that several tenderers finish exactly equal on Price and Quality, a draw will be held between them.

Tenders will be evaluated on the basis of the following weighting and scoring:

Sub-award criteria		Maximum points	Weighting	Maximum score
1	Price	100 points	20 %	20
2	Quality	100 points	80 %	80
Maximum number of points		200 points	100,00%	100

5.4. Sub-award criterion Price

A maximum of 100 points can be obtained for the sub-award criterion Price. The tender with the lowest tender sum obtains the maximum number of points for the sub-award criterion price, namely: 100 points. Subsequent tenders with their higher tender sums achieve lower scores in accordance with the formula below:

$$Score = \left(\frac{Lowest\ Price\ "LP"}{Price\ registrant\ "Pr"} \right) \times 100\ punten$$

If applicable, awarded scores will be rounded to 2 decimal places . To complete the prizes, please use the Price Sheet attached as **ANNEX 3**.

5.5. Sub-award criterion Quality

A maximum of 100 points can be obtained for the sub-award criterion Quality. The sub-award criterion Quality will be assessed against 6 further sub-award criterion, viz:

Sub-award criteria Quality		Maximum points	Weighting	Maximum score
1	2D Seismic Survey Design & Acquisition Parameters	45 points	80%	36
2	HSSE and Project Management	20 points		16
3	2D DAS-VSP acquisition capability and design	10 points		8
4	3D cross-spread DAS-VSP acquisition capability and design	10 points		8
5	Seismic Processing of acquired 2D lines	10 points		8
6	Seismic Processing of DAS-VSP's	5 points		4
Maximum number of points		100 points		80

Per sub-award criterion Quality, the following assessments are possible:

Review		Low score	Medium score	High score
1	2D Seismic Survey Design & Acquisition Parameters	0	18	45
2	HSSE and Project Management	0	8	20
3	2D DAS-VSP acquisition capability and design	0	4	10
4	3D cross-spread DAS-VSP acquisition capability and design	0	4	10
5	Seismic Processing of acquired 2D lines	0	4	10
6	Seismic Processing of DAS-VSP's	0	2	5

Bidders scoring an **low score** for the sub-award criterium **2 HSSE and Project Management** on Quality, i.e. 0 points, will be excluded from further participation in the tender. Scoring an insufficient score for this sub-award criterion on Quality is thus considered a so-called '**knock-out**' criterion.

The **high score** in a sub-award criterium is 100% of the respective weight

The **medium score** in a sub-award criterium is 0.4 * 100% of the respective weight

The **low score** in a sub-award criterium is 0% of the respective weight

5.6. Sub-award criterion 1: 2D Seismic Survey Design & Acquisition Parameters

The Contractor should submit for its preferred scenario 2 the 2D Seismic Survey Design. In doing so, a tenderer should answer at least the following questions:

Subject		Low score	Medium score	High score
1	Sound level of source vehicle at 50m distance during signal injection	>70db(A)	50-70db(A)	<50db(A)
2	Harmful substances g/kW	Highest value provided of participating contractors	Between highest and lowest value provided of participating contractors	Lowest value provided of participating contractors
3	Seismic broadband source	8-85Hz	4-85Hz	1-85Hz
4	Source point sampling	>10m	5-10m	<5m
5	Receiver point sampling	>10m	5-10m	<5m
6	Maximum offset	<800m	800-1199m	≥1200m
7	Source strength	<1000N	1000-1199N	≥1200N
8	Number of sweeps or repeats	2	3	>3

5.7. Sub-award criterion 2: HSSE and Project Management

The Contractor should submit a HSSE and Project Management plan, describing how it intends to implement them in this project. In doing so, a tenderer should answer at least the following questions:

Subject		Low score	Medium score	High score
1	Integrated HSSE Management System	None available	Implemented, but its use not demonstrated	Implemented and its use is clearly demonstrated and documented
2	Project Management System	None available	Implemented, but its use not demonstrated	Implemented and its use is clearly demonstrated and documented

A low score is a knock-out criterium.

5.8. Sub-award criterion 3: 2D DAS-VSP acquisition capability and design

The Contractor should submit for its preferred scenario 2 the : 2D DAS-VSP acquisition design. In doing so, a tenderer should answer at least the following questions:

Subject		Low score	Medium score	High score
1	Sound level of source vehicle at 50m distance during signal injection	>70db(A)	50-70db(A)	<50db(A)
2	Harmful substances g/kW	Highest value provided of participating contractors	Between highest and lowest value provided of participating contractors	Lowest value provided of participating contractors
3	Seismic broadband source	8-85Hz	4-85Hz	1-85Hz
4	Source point sampling	>10m	5-10m	<5m
5	Receiver point sampling	>10m	5-10m	<5m
6	Maximum offset	<800m	800-1199m	≥1200m
7	Source strength	<1000N	1000-1199N	≥1200N
8	Number of sweeps or repeats	2	3	>3
9	Interrogator Hardware	Not available	NA	Available
10	Interrogator minimum gauge length	>10m	5-10m	<5m

5.9. Sub-award criterion 4: 3D DAS-VSP acquisition capability and design

The Contractor should submit for its preferred scenario 2 the 3D DAS-VSP acquisition design. In doing so, a tenderer should answer at least the following questions:

Subject		Low score	Medium score	High score
1	Sound level of source vehicle at 50m distance during signal injection	>70db(A)	50-70db(A)	<50db(A)
2	Harmful substances g/kW	Highest value provided of participating contractors	Between highest and lowest value provided of participating contractors	Lowest value provided of participating contractors
3	Seismic broadband source	8-85Hz	4-85Hz	1-85Hz
4	Inline source point sampling	>10m	5-10m	<5m
5	Source line spacing	>100	50-100	<50
6	Inline receiver point sampling	>10m	5-10m	<5m
7	Receiver line spacing	>100	50-100	<50
8	Maximum offset	<800m	800-1199m	≥1200m
9	Source strength	<1000N	1000-1199N	≥1200N
10	Number of sweeps or repeats	2	3	>3
11	Interrogator Hardware	Not available	NA	Available
12	Interrogator minimum gauge length	>10m	5-10m	<5m

5.10. Sub-award criterion 5: Seismic Processing of acquired 2D lines

The Contractor should submit a plan for the Seismic Processing of the acquired 2D lines. In doing so, a tenderer should answer at least the following questions:

Subject		Low score	Medium score	High score
1	2D processing experience in fold and thrust belts	None available	Given, but is only demonstrated in 2 projects	Given, and demonstrated in 3 or more projects
2	Licensed processing software	Freeware, Kingdom suite, Seismic Unix, and similar	Reveal (Shearwater), InSight (DUG), and similar	Omega (SLB), Geovation (Viridien)

5.11. Sub-award criterion 6: Seismic Processing of DAS-VSP's

The Contractor should submit a plan for the Seismic Processing of the acquired 2D and 3D DAS-VSP's. In doing so, a tenderer should answer at least the following questions:

Subject		Low score	Medium score	High score
1	2D DAS VSP processing experience	None available	Given, but is only demonstrated in 2 projects	Given, and demonstrated in 3 or more projects
2	3D DAS VSP processing experience	None available	Given, but is only demonstrated in 2 projects	Given, and demonstrated in 3 or more projects
3	Licensed processing software	Freeware, Kingdom suite, Seismic Unix, and similar	Reveal (Shearwater), InSight (DUG), and similar	Omega (SLB), Geovation (Viridien)

5.12. Assessment of sub-award criteria Quality

Each of the Quality sub-award criteria will be assessed by the assessment team as follows:

- **Low-score**

- The Component is not fully described. The tenderer does not address or insufficiently addresses the requested aspects, resulting in an incomplete picture.
- The Component is incomplete and/or insufficiently elaborated on essential points.
- The Part is not realistic.
- By means of the interpretation described in the Subsection, the tenderer stands out negatively from the other tenderers.
- The Component does not or hardly meet the Client's expectations.

- **Medium score**

- The Component provides a sufficient picture of the interpretation proposed by the tenderer, but otherwise offers little or no added value/added value.
- The Component is described in sufficient detail. The tenderer addresses most of the requested aspects.
- The Component is sufficiently elaborated on the most essential points.
- The interpretation described in the Component is sufficiently clear and relevant to the assignment.
- The Component is in sufficient realism on the most essential points.
- By means of the interpretation described in the Subsection, the tenderer does not distinguish itself negatively or positively from the other tenderers.
- The Component meets the Client's expectations to a limited extent.

- **High score**

- The Component provides an excellent and very complete picture of the interpretation proposed by the tenderer and also offers a lot of added value/added value and/or is innovative.
- The Component is fully described. The Tenderer addresses all requested aspects and also contributes additional relevant information.
- The Component is very comprehensive on the requested points.
- The Part is realistic.
- The fulfilment described in the Component demonstrates that the tenderer provides excellent and high quality services.
- Through the interpretation described in the Subsection, the tenderer stands out very positively from the other tenderers.
- The Component fully meets or exceeds the Client's expectations.

5.13. Notice of award decision (Intention to award)

Before the contract is (definitively) awarded to the tenderer with the Best Price-Quality Ratio, the Client first sends a so-called *intention to award*. (This is the *notification of the award decision* as referred to in Article 2.130 of the Dutch Procurement Act 2012). This intention to award does not yet imply a final award of the contract. The expression of the intention to award therefore does not yet create a contract, as referred to in Article 6:217 of the Dutch Civil Code. The following applies to the announcement of the award decision:

- a. The tenderer to whom the Client intends to award the contract will receive a written request to provide the evidence within 10 (ten) calendar days.
- b. This evidence should be provided within *10 (ten) calendar days* from the date of request.
- c. If the assessment of the evidence received shows that the tenderer (still) does not comply, the Client will revoke the award decision.
- d. In the event of a situation as referred to under c., the Client may redetermine which tenderer has submitted the Economically Most Advantageous Tender. The Client will then announce a new intention to award.
- e. Unsuccessful tenderers will receive a reason for rejection. This rejection will be sent simultaneously with the intention to award the contract to the successful tenderer. If a tenderer cannot agree with the rejection or exclusion, it must lodge an application for interim relief with the Interim Injunction Judge at the Limburg District Court, location Maastricht, no later than 10 (ten) calendar days after the date of dispatch of the intention to award the contract. This period of ten calendar days is also referred to as the suspension period or standstill period. If the preliminary relief proceedings are not commenced within the stipulated period of ten days, the claim will be declared inadmissible.
- f. By submitting a tender, Tenderers accept a contractual sunset clause, being a ten-calendar-day sunset period for bringing claims related to the present tender. Tenderers also accept to be inadmissible in their claims and to have processed them, should the interlocutory proceedings referred to under b. above be instituted after the aforementioned period of (10) ten calendar days. The limitation period ensures the expediency of the proceedings and it protects the legitimate interests of, inter alia, the winning tenderer in legal certainty.