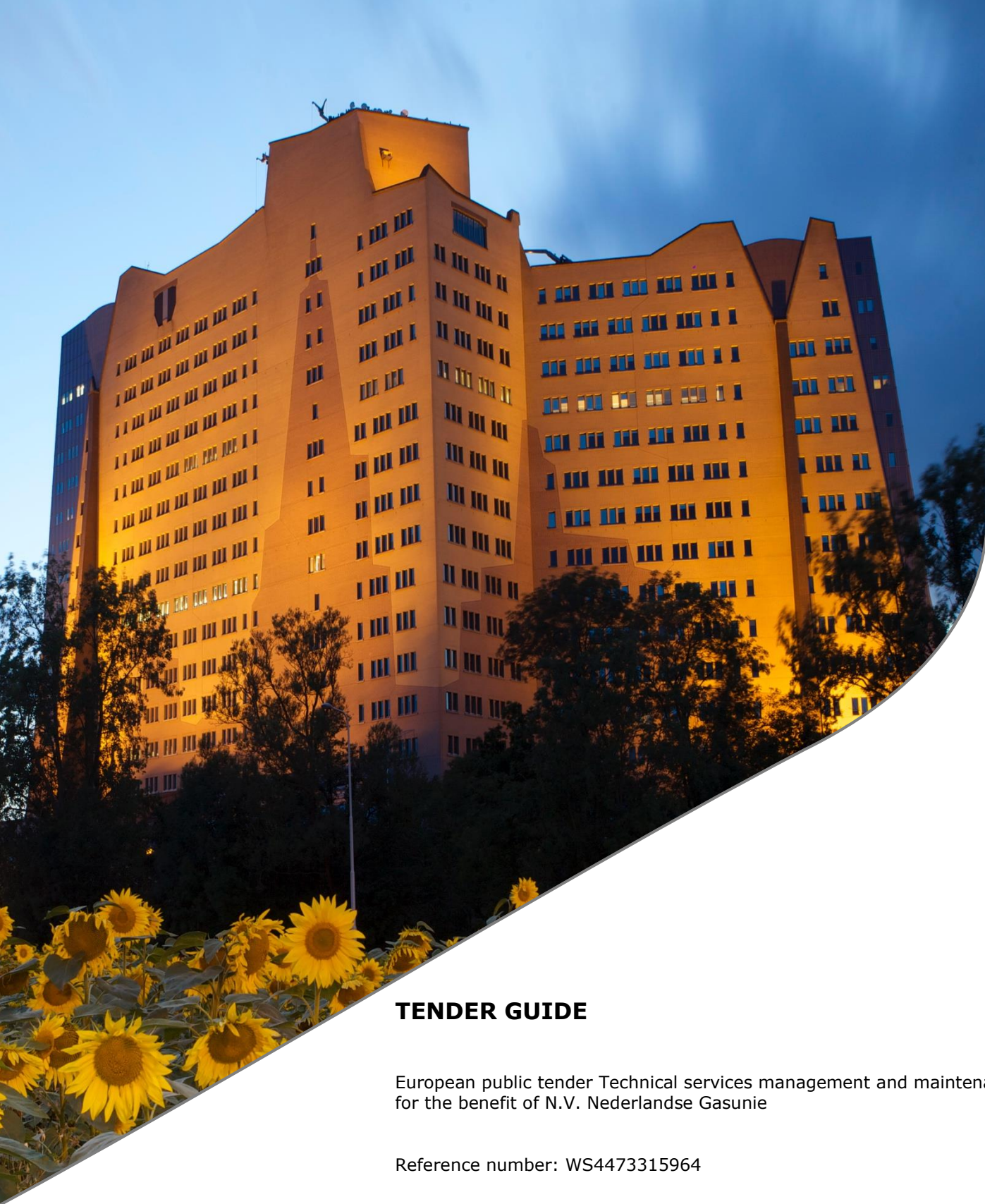




TENDER GUIDE

European public tender Technical services management and maintenance
for the benefit of N.V. Nederlandse Gasunie

Reference number: WS4473315964

Contact: Bart Lüschen
Version: V1.1

N.V. Nederlandse Gasunie
Groningen, Oktober 2024

Intern/Internal

gasunie
crossing borders in energy

© Full or partial adoption or reproduction of the contents of this document, in whatever manner, without prior written permission from the copyright owner, is prohibited, except for restrictions set by law. This prohibition also covers full or partial adaptation.

CONTENTS

1	GENERAL INFORMATION	4
1.1	Introduction.....	4
1.2	N.V. Nederlandse Gasunie	4
2	Subject of the tender	5
2.1	Internal client: Department OTM.....	5
2.2	Scope of the contract.....	5
2.3	Value	6
2.4	Term of the intended agreement	7
2.5	Clustering and lots	7
2.5.1	Clustering and the choice not to divide in lots.....	7
2.5.2	Variants and alternative tenders	7
3	TENDER PROCEDURE.....	8
3.1	Schedule	8
3.2	Digital tender via TenderNed.....	8
3.3	Language.....	8
3.4	Tender costs	9
3.5	Information and note of information	9
3.6	Tendering.....	9
3.7	Content of the tender	9
3.7.1	Documents to be submitted with the tender	10
3.7.2	Documents to be submitted after the tender	10
3.8	Decision not to participate	11
3.9	Ambiguities and contradictions and forfeiture of rights.....	11
3.10	Complaints about the tender process.....	11
4	 GROUNDS FOR EXCLUSION AND SUITABILITY REQUIREMENTS.....	12
4.1	Grounds for exclusion	12
4.2	Suitability requirements	13
4.2.1	Financial and economic capacity.....	13
4.2.2	Technical and professional ability: Certification.....	14
4.2.3	Technical and professional ability: References	15
5	AWARD CRITERIA	17
5.1	Weighted award criteria	17
5.1.1	Quality assessment	17
5.1.2	Price assessment.....	23
6	ASSESSMENT AND AWARD PROCEDURE	24
6.1	Assessment of the documents presented with the tender.....	24
6.2	Notification of exclusion	24
6.3	Notification of the provisional award decision	25
6.4	Verification of data	25
6.5	Final award decision.....	25

Annexes to the Tender guide:

Annex 1	Programme of requirements
Annex 2	General terms and conditions Services version 2020
Annex 3	Draft (Framework) Agreement
Annex 4	Draft Reserve List Agreement
Annex 5	Csa 38
Annex 6	Gasunie Tendering Regulations, including ARN ²⁰¹⁶
Annex 7	Gasunie Suppliers Code of Conduct
Annex 8	Gasunie Complaints Procedure for Tenders
Annex 9	Social Return Gasunie

Forms to be submitted with the tender (§ 3.7.1):

Form A	Uniform European Tender Document (UEA)
Form B	Reference(s)
Form C	Pricing model

Forms to be submitted (on request) after the tender (§ 3.7.2):

Form X - Reliance on the financial capacity of a third party
Form Y - Reliance on the ability of a third party

Please note: all annexes and forms can be found on TenderNed/TED

1 GENERAL INFORMATION

1.1 Introduction

This tender guide contains information about the European open procurement procedure for the contract Technical services management and maintenance on behalf of N.V. Nederlandse Gasunie (hereafter: Gasunie).

The objective of this tender guide is to provide information about Gasunie and the contract as well as the requirements and conditions to be met by the contract, the course of the tender procedure, the requirements to be met by the tenderer, the award criterion and the assessment procedure.

This tender is subject to the Public Procurement Act 2012 (special-sector contracts) and the Gasunie Tendering Regulations, including ARN²⁰¹⁶. The Gasunie Tendering Regulations and the ARN²⁰¹⁶ have been added in Ariba eSourcing.

The tender was published on TenderNed on the 2nd of October 2024.

The contract will be awarded to the economically most advantageous tenderer(s), based on best price-quality ratio.

1.2 N.V. Nederlandse Gasunie

Gasunie is an energy infrastructure company. In the Netherlands and Northern Germany, we manage the infrastructure for large-scale transport, storage and conversion of gas, currently still mostly natural gas. With the energy transition, this is increasingly shifting towards green gas and hydrogen. We are also working on the construction and management of heat and CO₂ networks.

Our duty is to provide safe, reliable, affordable and sustainable energy infrastructure services, making energy available to everyone at all times. Safety, reliability, sustainability and cost awareness are paramount.

The Gasunie network is one of the largest high-pressure gas transport networks in Europe and consists of more than 15,000 km of pipelines, 1,000 gas receiving stations and dozens of installations in the Netherlands and Northern Germany. Gasunie's infrastructure is part of the 'gas roundabout' of Europe. This network allows the gas to be traded and transported easily. The annual throughput of gas is approximately 100 billion cubic meters.

Our mission

Gasunie is a leading company in the field of energy infrastructure in Europe. The transportation and storage of gas are our core business. We serve the public interest and facilitate the energy transition by offering integrated infrastructure services. We focus on value creation for our shareholder(s) and other stakeholders and apply the highest industrial safety and business standards.

Our vision

We believe in a sustainable future with a balanced energy mix and a continuing role for gas from various sources. We believe that we offer our customers the best service by offering innovative solutions in the field of infrastructure, particularly gas infrastructure.

Our three pillars:

- Ensuring a safe, reliable, affordable and sustainable gas infrastructure in our key area.
- Contributing to efficient gas infrastructure and services for a well-functioning European natural gas and LNG market.
- Accelerating the transition to a CO₂-neutral energy supply.

Gasunie Suppliers Code of Conduct

Maintaining a good reputation is very important for Gasunie in order to achieve its goals. Gasunie sees it as its responsibility to ensure that its services are provided within a value chain that meets international standards. Cooperation with suppliers and partners must take place in a professional and conscientious manner and with integrity. The Code of Conduct applies to all Gasunie employees, including those working for companies belonging to the Gasunie group and those on secondment or on instruction from Gasunie. Suppliers are subject to the Gasunie Suppliers Code of Conduct, which has been added to Ariba eSourcing. The *Gasunie Suppliers Code of Conduct* forms part of the framework agreement to be concluded.

More information about Gasunie can be found on www.gasunie.nl

2 Subject of the tender

2.1 Internal client: Department OTM

The OTM (Operations Technology Multidisciplinary) department focuses on the fields of: Architecture & Civil Engineering, HVAC, and Rotating.

Additionally, it is responsible for Reliability Engineering, Asset Engineering, Environmental Engineering, Conceptual Engineering, and Process Engineering. OTM also acts as the contract manager for approximately 20 maintenance contracts.

In the implementation of the agreement, communication will take place with and from this department.

2.2 Scope of the contract

The gas transport system of Gasunie includes not only over 12,000 kilometers of pipelines but also thousands of (gas) installations. Gasunie performs various maintenance and projects to optimize this gas transport system in terms of lifespan, safety and efficiency. Support is needed in the form of (lab) research, measurement and test setups, pressure tests, sample analysis of liquids, oils and greases and solids, performance tests on valves and regulators. These involve issues that arise during the maintenance process and need further investigation. The service can be provided ad-hoc (for example, during emergencies) or planned for process optimization or maintenance improvements.

In the past eight years for about a third of all assignments executed under this scope the service needed to be provided at one of Gasunie's locations in the Netherlands. The other two thirds of the assignments were performed at the suppliers' or their subcontractors' facilities.

The scope for the framework agreement that Gasunie wishes to conclude with 1 tenderer includes the following services (to which Gasunie wishes to conclude further agreements during execution of the framework agreement:

#	Service	Example
1	Measurements on (process) installations, such as flow, pressure, temperature, voltage, sound, emissions, etc.:	Emission measurements on a gland packing; LEL (Lower Explosive Limit) measurements in an oil skid; Infrared measurements of harmonic filters; Flow measurements in cooler banks; Temperature measurements in cooling water systems;
2	Calculations and investigations related to strength, flow, heat, lifespan, etc.:	Determination of bag filter lifespan; Compressor efficiency calculations;

		Strength-related aspects in pressure reduction;
3	Analyses of compositions of solids, liquids, fats, and gases:	Determination of glycol ratios in samples; Analysis of liquid samples; Oil sample analysis; Analysis of solid materials; Determination of sample acidity; Investigation of gas pipeline interior contamination; Examination of samples from a membrane unit;
4	Performance testing and application of equipment:	Shut-off valve tests; Spectrometer testing; Leak detection equipment testing; Investigation of breakthrough times for respiratory protective equipment; Stability determination of odorant cylinders;
5	Material investigations	Examination of material blistering;
6	Fault analysis (mechanical, instrumentation, electrical):	Investigation into the origin of measurement discrepancies; Study of compressor faults and failures;
7	Advisory services for maintenance optimization and asset utilization:	Impact assessment of changes in return temperature for boilers; Investigation of the impact of pressure increase in compressor manifolds; Support for noise emission reduction; Assistance with firmware upgrades for sulfur analyzers;
8	Evaluation of alternative equipment options:	Support for specific equipment procurements, such as gas chromatographs;
9	Other matters:	Assessment of blowdown contours; Research into regulations related to mobile recompression; Jury work/reviews; Uncertainty modeling;

The scope of this agreement pertains solely to standalone tasks and does not include tasks that fall within the scope of a project. If the tasks are part of a project, they are covered under the scope and the agreement established for that specific project. This applies regardless of whether the tasks have substantive overlaps or similarities with the tasks covered under the scope of this agreement. Whether tasks are part of a project is to be determined at the sole discretion of Gasunie. The Program of requirements (Annex 1) gives a more detailed description of the services to be provided under the framework agreement.

2.3 Value

The scope of the contract is estimated to be 600,000 euros per year.

These numbers/amounts are indicative and offer no guarantee for the future. It is likely that the amount of services will vary from year to year. Tenderers can therefore not derive any rights from these figures. Gasunie is not bound to actually place orders or further orders with the contractor.

The maximum value of the contract is €6,800,000 during the entire term of the framework agreement, excluding indexation.

2.4 Term of the intended agreement

Gasunie is intending to sign a framework contract with 1 tenderer for the entire scope as described above. This framework agreement has an intended term of four (4) years and can optionally be extended twice (2) by a period of two (2) years. The intended effective date is January 1st 2025. The intended effective date is a target date and no rights can be derived from it. The General Terms and Conditions for Services version 2020 apply to the framework agreement.

In addition, Gasunie will enter into a reserve list agreement with the next highest ranked tenderer in this tender procedure. The reserve list agreement has the function of taking the place of the framework contract from the contracted party if the framework agreement is not concluded with the tenderer to whom the contract was awarded or if the framework agreement is terminated because the contracted party is no longer able to meet the obligations arising from the agreed framework contract. The draft of the reserve list agreement is laid down in Annex 4.

2.5 Clustering and lots

The contract does not involve unnecessary clustering of work and the contract is not divided into lots.

2.5.1 Clustering and the choice not to divide in lots

Division into Lots

As previously described, this tender concerns a 'residual contract' for technical services that do not fall under already tendered contracts.

Unpredictability

The specific nature of the services is highly unpredictable. Year by year, the requests can vary significantly. When divided into lots, there is a high risk that a party would receive little to no work.

One-stop-shop

A large part of the requests are made to the service provider with the expectation that they will come up with a plan for study and analysis and gather and deploy the necessary knowledge and skills required for the specific request. If there is a division into multiple lots, the creation of the plan and considerations about which expertise is needed would fall much more on Gasunie itself to make the right decision on which party is suitable for the specific request. This is not desirable as it causes much more delay and leads to multiple requests to different parties. Especially for requests directly from the field organization (about one third of the tasks), this unburdening is desired.

Added Value

The unburdening that one party can offer is therefore also the added value. For example, when conducting material research or investigating compositions in solid and liquid samples, the elaboration and interpretation of the results are also needed. If this were divided into multiple lots, it would lead to an analysis result from party A, which would then need to be reviewed by party B for interpretation. Often, an analysis or initial investigation also leads to follow-up questions. Multiple lots with multiple providers would make this very difficult and involve many transfer moments. Moreover, knowledge building is also important: that a provider considers the Gasunie organization as a whole and understands the background of questions and can relate them to previously conducted research. Multiple lots and parties would make this very fragmented. Additionally, it is less clear to the end-user who they can turn to with a specific question.

Collaboration

As a result of the clustering of contracts, not all SMEs operating in this market may be able to independently fulfil the contract. To still be eligible, parties are welcome to submit a tender as a consortium, part of a consortium or with a subcontractor.

2.5.2 Variants and alternative tenders

It is not allowed to submit variants and/or alternative tenders. Any variants/alternatives submitted will not be considered.

3 TENDER PROCEDURE

3.1 Schedule

No rights may be derived from the following schedule. Dates shown in **bold** are final deadlines, unless otherwise notified by Gasunie. Gasunie retains the right to change the schedule ad interim. The schedule as stated in Ariba is leading.

Activity	Date / Period
Send publication TenderNed / TED	2-10-2024
Deadline to submit questions (for the first note of information)	9-10-2024, 23.59
Publication first note of information	16-10-2024
Deadline to submit questions (for the second note of information)	23-10-2024, 23.59
Publication second note of information	30-10-2024
Deadline submission of tenders	20-11-2024 15.00
Evaluation of tenders	Weeks 47 & 48
Notification of the provisional award decision	4-12-2024
Legal protection period	20 days
Final award decision	24-12-2024
Signing of the agreement	30-12-2024
Effective date agreement	01-01-2025

3.2 Digital tender via TenderNed

This tender is carried out entirely electronically via TenderNed ([Dutch government's online tendering system | TenderNed](#)). This means that, among other things:

- All tender documents are made available free of charge and digitally through TenderNed.
- Tenderers can submit questions via TenderNed Messages, TenderNed's messaging module;
- Tenders can only be submitted digitally;
- In principle, all further correspondence also takes place via the TenderNed messaging module.

It is not allowed to request information about this tender from Gasunie in any other way than as described above. Communication about this tender by any other means may result in exclusion from participation in this tender procedure.

To make the best use of TenderNed's functionality, it is also important for tenderers that the organisation is registered correctly and, among other things, the right people are given the right authorisations for this tender procedure. Make sure this authorisation is also in place for vacation periods or other times when substitutions may be needed. This registration must be done once.

For any questions about the use of TenderNed, tenderer can contact the TenderNed help desk [Dutch government's online tendering system | TenderNed](#).

3.3 Language

The tender procedure is conducted in English. Unless otherwise stated by Gasunie in the subsequent tender procedure, all documents submitted by the tenderer must be in the English language. The preferred language for on-site communication is Dutch.

3.4 Tender costs

Tenderers will not receive any compensation for costs, damages or lost profits regarding the submission of a tender. If Gasunie withdraws the tender, it will consider whether a reimbursement of costs is deemed appropriate. It follows that there is no obligation to pay out such a reimbursement that takes into account all costs incurred.

3.5 Information and note of information

Written questions may be asked about the tender procedure, the tender documents or their contents and/or the contract documents or their contents. Questions should be worded clearly and unambiguously with a reference to the section of the tender documents to which the question relates. Questions should be asked in the question module in TenderNed. If the tenderer has multiple questions, one question should be asked per line. Gasunie would like to emphasise that the questions have to be relevant to the tender.

Questions can only be submitted electronically via the 'Questions' functionality of TenderNed.

Questions may be submitted throughout the period up to the deadline for questions. The questions will be published anonymously via TenderNed. The questions will be answered as soon as possible once the answer is ready, and the answers will be published via TenderNed as soon as possible. The deadline for asking questions is listed in the schedule in paragraph 3.1.

The answers to these (relevant) questions asked will also be formulated as an anonymous note of information. The note of information will be published via TenderNed, including any amended tender and contract documents, no later than the date specified in paragraph 3.1. Tenderers are advised to keep a close eye on the answers to the questions via TenderNed. They are expected to be familiar with the contents of the note of information. The note of information shall prevail over the tender guide and its annexes.

3.6 Tendering

The tender must be submitted before the deadline specified in TenderNed. All tender documents must be complete and (where specifically requested) validly signed, and submitted electronically to Gasunie via TenderNed. The tenderer may, during entire time period until the deadline, edit and retract his tender. Any information submitted by the tenderer only becomes visible to Gasunie after the expiry of the deadline.

Tenderer is not permitted to submit a tender by any other means. Tenders submitted by other means will not be considered and are deemed not submitted.

All tender documents to be submitted with the tender where a signature is specifically required, have to be lawfully signed. It is not permitted to add additional information which Gasunie has not explicitly asked for. Such additional information will not be included in the assessment. The tenderer is responsible for the timely submission of his tender. Tenderers are therefore strongly advised to upload and release the data in plenty of time before the expiry of the set deadline. TenderNed will automatically close at the time specified. It is not possible to submit a tender after the deadline.

3.7 Content of the tender

By submitting a tender, the tenderer declares that it has taken full cognisance of the content of this tender guide, all annexes, the anonymised note of information to be received, and any other accompanying documents, and also declares that the tenderer agrees to all the provisions and requirements set out in these documents.

By submitting a tender, the tenderer declares that it has taken account of the obligations arising from the employment protection provisions and working conditions applicable at the location where the transaction will be performed, in accordance with Section 3.63 in conjunction with Section 2.81, subsection 2, of the Dutch Procurement Act 2012. Information on the obligations in respect of the tax, environmental protection, employment protection and working conditions provisions that are

applicable in the Netherlands and apply to the tenderer's operations can be found at the addresses indicated:

- For provisions on taxation: Tax and Customs Administration, www.belastingdienst.nl;
- For provisions on environmental protection: the Ministry of Infrastructure and the Environment, www.rijksoverheid.nl;
- For provisions on labour protection and employment conditions: the Ministry of Social Affairs and Employment, www.rijksoverheid.nl.

Also, by submitting the tender, the tenderer declares that it has answered all questions and attachments fully and truthfully, and that the information provided is in accordance with reality, and is correct and complete. If, after submission, it appears that this is not the case, this may result in exclusion from further participation in the tender procedure.

Please note:

- The tenderer shall maintain its tender for 60 days from the deadline for submission of tenders.
- In the unlikely event that a standard, brand name or manufacturer's name is stated in this tender procedure and the addition 'or equivalent' is accidentally omitted, this addition will, in accordance with Article 2.76 (4b) of the Dutch Procurement Act 2012, be deemed to be present, so as not to act in conflict with the European non-discrimination principle. It is always the tenderer's responsibility to demonstrate that it meets Gasunie's requirements.
- Gasunie uses the Ariba network to send orders to its suppliers. This requires the supplier to have an account on the Ariba network. Information about the benefits of an Ariba network account, the choice between the free or paid account and the cost of the paid account can be found at <https://www.ariba.com/ariba-network/ariba-network-for-suppliers>, and the pages following it. The supplier enters into an agreement with SAP Ariba when creating the Ariba network account. Any fees for the Ariba network account are paid by the supplier directly to SAP Ariba. Gasunie plays no role in this. The contractor agrees to use the Ariba network for all transactions, to accept Ariba's terms and conditions, and pay any costs for the tenderer that use of the Ariba network entails.

3.7.1 Documents to be submitted with the tender

Tenders must be prepared and submitted in full compliance with the requirements. If a tender has not been prepared and/or submitted in full compliance with the requirements, Gasunie may decide to exclude the tender from further participation in this procedure. The tender in question will then no longer be eligible for awarding.

The documents that must be submitted not later than on the date specified in Paragraph 3.1, comprise the following documents:

- **Uniform European Tender Document (UEA) - (Form A)**
- **Reference(s) - (Form B)**
- **Pricing model - (Form C)**
- **An extract from the national trade or professional register (in the Netherlands: extract from the trade register of the Chamber of Commerce) of the tenderer**
- **One or more (contiguous) extracts from the trade register or one or more powers of attorney (not older than 6 months at the time of submission) from which the representative authority of the signatory can be adequately derived.**
- **Elaboration of the award criteria on quality**

3.7.2 Documents to be submitted after the tender

After submission of the tender, the tenderer whom Gasunie is planning to award the contract to, should, within 7 calendar days after a request to that end, submit the following documents via the Ariba 'Messages' functionality:

- **The supporting documents on the grounds for exclusion as specified in paragraph 4.1.**

NB: In the event of a tender as a collaborative partnership, each member of the partnership should submit the said supporting documents.

- **The supporting documents on the qualification requirements as specified in paragraph 4.1.**
See the column 'Supporting document (to be submitted on request)' as specified in paragraph 4.1
NB: In the event of a tender as a collaborative partnership, each member of the partnership should submit the said supporting documents.
- **Reliance on the financial capacity of a third party (form X)**
Insofar as tenderers rely on the capacity of a third party in terms of one or more minimum requirements in paragraph 4.2.1 (financial and economic capacity), the tenderer should submit form X after the tender. Form X must be signed both by the tenderer and the third party.
- **Reliance on the ability of a third party (form Y)**
Insofar as tenderers rely on the technical or professional ability of a third party in terms of one or more minimum requirements in paragraph 3.2.2, the tenderer should submit form Y after the tender. Form Y must be signed both by the tenderer and the third party.

3.8 Decision not to participate

If a tenderer decides not to submit a tender, the tenderer is requested to report this as soon as possible via the 'Messages' functionality of Ariba eSourcing, and to unsubscribe in Ariba for the relevant event.

3.9 Ambiguities and contradictions and forfeiture of rights

The tender documents have been compiled with care. If the tenderer nevertheless discovers errors, inconsistencies, faults, inadequacies, omissions or ambiguities in the tender documents, the tenderer must take a proactive approach by informing Gasunie of this as early as possible, but no later than at the time of the information round, by asking questions or submitting comments/objections.

If the tenderer fails to comply with this obligation, the tenderer shall forfeit their rights to raise any errors/inconsistencies/faults/inadequacies/omissions/ambiguities afterwards (possibly in court).

If the tenderer raises an objection during the information round and Gasunie, in its opinion, does not or not adequately resolve that objection, the tenderer must (also) take a proactive approach. The minimum requirement is that the tenderer - in the event that it cannot (yet) reconcile itself to the settlement of the objection - explicitly states, in writing and stating reasons, that it maintains its objection as soon as possible but no later than two days prior to the deadline for submitting the bid.

If the tenderer does not avail itself of the possibilities offered in this section, this will be at the risk of the tenderer and both Gasunie and the other tenderers will be justified in assuming that the tenderer has no questions and/or objections (left) regarding the procedure and/or contract. Raising objections and/or ambiguities only after registration will lead to inadmissibility (on the grounds of legal effect) as far as those objections and/or ambiguities are concerned.

3.10 Complaints about the tender process

Gasunie has a complaints procedure relating to the tender. When submitting a complaint, the tenderer should also adopt a proactive attitude and submit the complaint at the earliest possible stage. Complaints can be submitted in writing to Gasunie's complaints desk via the following e-mail address: klachtenmeldpunt.aanbestedingen@gasunie.nl. Tenderer shall state clearly in the e-mail, inter alia which tender the complaint relates to, what the complaint is and how the problem can be remedied. The Complaints Procedure for Tenders is published and available at www.gasunie.nl/leveranciers and can be found in Annex 8, Gasunie Complaints Procedure for Tenders.

Submitting a complaint will not automatically suspend the tender procedure.

4 GROUNDS FOR EXCLUSION AND SUITABILITY REQUIREMENTS

The assessment of the tenders received in good time on the basis of Chapter 2 shall be subject to the provisions referred to in this chapter. Failure by the tenderer to comply with any of the aforementioned grounds for exclusion and **suitability requirements** may result in exclusion from participation in this tender procedure.

4.1 Grounds for exclusion

Uniform European Tender Document (UEA)

The tenderer shall attach to the tender a completed and legally signed Form A, Uniform European Tender Document (UEA). The statement to be used by tenderer, required by law, is included as **Form A: Uniform European Tender Document (UEA)**.

Mandatory grounds for exclusion

Gasunie declares the mandatory grounds for exclusion applicable, as referred to in Part IIIA of the UEA.

Optional grounds for exclusion

Gasunie declares the optional grounds for exclusion applicable (and considers the application of these grounds relevant and proportionate for this tender procedure), as referred to in Part IIIB and Part IIIC of the UEA (Form A).

At Gasunie's request, the following supporting documents must be submitted.

Supporting documents (to be submitted with the tender)	Supporting documents (to be submitted on request)
Validly signed Form A, Uniform European Tender Document (UEA).	A Certificate of Conduct in Procurement (GVA) that is not more than two years old at the time of submission. Obtaining this certificate may take approx. 6 weeks; please make sure to request the certificate in a timely manner.
An extract (not older than 6 months at the date of submission) from the national trade or professional register (in the Netherlands: extract from the register of the Kamer van Koophandel) relating to the tenderer.	A statement by the tax administration (a statement of payment behaviour regarding fulfilment of tax obligations) that is not older than six months at the time of submission.
One or more (contiguous) extracts from the trade register, or one or more powers of attorney (not older than 6 months at the time of submission) from which the representative authority of the signatory can be adequately derived.	

Please note:

- All sections applicable to the tenderer must be completed correctly;
- If the tenderer submits a tender as a consortium, uses subcontractors, or relies on the ability of third parties, Part II must be completed in full and accurately. In addition, all parties of the consortium must, each separately, submit a copy of the UEA, completed correctly and signed in a legally valid manner; Third parties whose ability is called upon to meet the suitability requirements (Part IIC) must also submit a correctly and truthfully completed and signed UEA.
- The grounds for exclusion applicable to this contract are ticked under sections IIIA, IIIB and IIIC. This section must be answered by the tenderer.
- By completing Section IV, the tenderer indicates whether it meets the stated suitability requirements. suitability requirements are called selection criteria in the UEA.
- The UEA must be validly signed by a representative of the tenderer who is authorised to represent the tenderer. This must be evidenced by the extract from the trade or professional register or by an attached authorisation signed by an officer authorised to represent the tenderer, as can be inferred from the extract from the trade or professional register.

- If the UEA is not signed by an authorised representative of the tenderer, the tender may be excluded from further participation in the tender procedure.

If a ground for exclusion applies to the tenderer, the tenderer must indicate the facts that have occurred or are occurring, their scope and the measures taken by the tenderer to prevent recurrence and to restore the breached confidence. Gasunie may waive exclusion if the tenderer demonstrates that it complies with Art. 2.87a Aw.

Conditions of Gasunie regarding the EU sanction package (Regulation 2022/576)

In connection with the EU sanctions package (laid down in Regulation 2022/576), Gasunie wishes to emphasize the following. As far as Gasunie's contracts are concerned, the aforementioned sanctions prohibit Gasunie from awarding and/or granting contracts to Russian nationals/(legal) entities (as specified below). Contractors must be excluded in the event that the contract is performed by:

- a) Russian national, or a natural or legal person, entity or body established in Russia;
- b) a legal person, entity or body whose proprietary rights are directly or indirectly owned for more than 50 % by an entity referred to in point (a) of this paragraph; or
- c) a natural or legal person, entity or body acting on behalf or at the direction of an entity referred to in point (a) or (b) of this paragraph;

including subcontractors, suppliers or entities whose capacity is claimed within the meaning of the Public Procurement Directives, where they account for more than 10% of the contract value.

By submitting a tender, the tenderer declares that (i) the tender is not or will not be in conflict with Regulation 2022/576 and the package of sanctions contained therein and (ii) that the contract will not be executed in conflict with that package of sanctions.

4.2 Suitability requirements

The minimum suitability requirements which must be satisfied by the tenderer are tested on the basis of the following minimum requirements.

4.2.1 Financial and economic capacity

As regards the financial and economic capacity suitability requirement, the tenderer must meet the minimum requirements included in the table below. On application, the tenderer submits **Form A** ('Self Declaration'), declaring that it meets the minimum requirements set out below (see Part IV of the Self Declaration). Supporting documents only have to be submitted following a request to that effect.

Minimum requirements financial and economic capacity	Supporting documents (to be submitted on request)
The creditworthiness of suppliers is important for (a) the operational dependence on (critical) Gasunie business processes and (b) the financial risk. - The impact of the requested products on critical business processes (such as gas transport) is fairly limited for Gasunie. If the supplier is no longer able to meet its obligations, this has limited direct consequences for the critical business processes. - The financial risk is limited. Based on the above analysis, Gasunie considers a risk factor of a maximum of 3 to be an appropriate financial criterion. The credit rating is based on the rating issued by the independent credit information agency Dun & Bradstreet. This rating is based on four risk categories, with category 1 representing minimal credit risk and category 4 considerable credit risk. The figure	Gasunie itself requests the report from Dun & Bradstreet; where necessary, the tenderer must provide additional information.

refers to the 'risk factor' or 'risk indicator' in the credit rating.

NB Failure by a tenderer to comply with the statutory obligation to file the financial statements may result in exclusion from further participation in the tendering procedure.

Gasunie considers that setting this suitability requirement is justified considering the importance it attaches to the stability, financial or otherwise, of a tenderer, considering the nature of this contract and the way it relates to the primary tasks of Gasunie, including maintaining a stable and reliable gas transport network.

4.2.2 Technical and professional ability: Certification

As regards the qualification criterion technical and professional ability, the tenderer must meet the minimum requirements included in the table below.

On submitting the tender, the tenderer submits **Form A** (UEA), declaring that it meets the minimum requirements set out below (see Part IV of the UEA). At Gasunie's request, the following supporting documents must be submitted.

Minimum requirements technical or professional ability	Supporting documents (to be submitted on request)
The tenderer declares to be in possession of a valid quality system (ISO 9001:2015 or equivalent) the scope of which must – demonstrably – pertain to the work described by Gasunie in the tender documents.	Copy of a certificate valid at the time of submission of the tender (ISO 9001:2015 or equivalent) • Certificate according to the European standards series EN 29000 (ISO 9000 series), or; - Equivalent certification(s) or statement(s) from independent third parties that the quality assurance is equivalent to ISO 9000 series.
The tenderer has an environmental management system (ISO 14001 or equivalent) covering at least the following topics: • The concrete measures that have been or will be taken to reduce or prevent the environmental impact of the business processes related to the performance of the contract. • Safeguarding compliance with environmental legislation. • Attention paid to the awareness and competence of employees regarding the handling of environmental aspects relevant to this contract. • Attention paid by the tenderer to the awareness and competence of suppliers regarding the handling of environmental aspects relevant to this contract: ◦ Harm to human health; ◦ Damage to ecosystems (ecosystem diversity); ◦ Damage to the availability of raw materials (resources).	Copy of a certificate valid at the time of submission (ISO 14001 or equivalent). 1. certificate or 2. comparable certificate or 3. elaboration of quality system Explanation of the evidence 1,2 and 3: 1. certificate according to the European standards series and 29000 (ISO 14000 series) 2. equivalent certification (s) or declaration (s) of independent third parties stating that the quality is equivalent to ISO 14000 series 3. a description of the operating environmental management system, incorporating at least: • (the table of contents of) the internal environmental management manual and; • Reports of recent and regular, by independent third executed, environmental management audits or

Monitoring (as a basis for quality assurance) the environmental aspects relevant to this contract.	other evidence of continuous testing the environmental management.
The tenderer declares to be in possession of a valid VCA*/VCA** VGM management system certificate or equivalent.	A VCA*/VCA** VGM management system certificate valid at the time of submission or equivalent
The tenderer declares to be in the possession of a valid ISO/IEC 17025 certificate for testing and calibration facilities	Copy of a certificate valid at the time of submission of the tender (ISO 17025:2017 or equivalent)

4.2.3 Technical and professional ability: References

As regards the qualification criterion technical or professional ability, the tenderer must submit one or more reference(s) showing that the tenderer meets the minimum requirements (core competences) included in the table below. On submitting the tender, the tenderer submits **Form B**. At Gasunie's request, the following supporting documents must be submitted.

Minimum reference(s)	Supporting documents (to be submitted on request)
Competence A: The tenderer possesses the knowledge and experience necessary to have professionally and regularly executed and completed a task that meets each of the following characteristics: - Analysis of the compositions of a sample of solids, liquids or greases. - Reference assignment must be related to an installation used in the oil or gas industry - The analysis must be conducted in an ISO/IEC 17025 certified laboratory or environment	Reference showing that the contract has been properly executed both with respect to the manner of execution and with respect to the result
Competence B: The tenderer possesses the knowledge and experience necessary to have professionally and regularly executed and completed a task that meets each of the following characteristics: - Material characteristics investigation of components/ fittings - For example cracking, blistering, pinholes, etc. - Reference must be related to an installation in the oil or gas industry - The examination must be conducted in an ISO/IEC 17025 certified laboratory or environment	
Competence C: The tenderer possesses the knowledge and experience necessary to have professionally and regularly executed and completed a task that meets each of the following characteristics: - Setup test rigs in order to perform performance tests on equipment	

under high pressures with a minimum of 40 bar(g) - The assignment must be performed in the oil or gas industry	
Competence D: The tenderer possesses the knowledge and experience necessary to have professionally and regularly executed and completed a task that meets each of the following characteristics: - Failure analysis and incident resolution of an installation, or a system, or process installation or a piece of equipment in the oil, gas or chemical industry. - Description of the root cause(s) - Proposed solution(s)	

The tenderer must submit one (1) reference per core competence/reference requirement demonstrating that the tenderer meets this core competence. A reference submitted by the tenderer may relate to 1 or more core competences. The reference should not be older than three years from the date of application. For each reference, the tenderer must state which core competence(s) the reference relates to. Gasunie retains the right to verify the reference.

Fully completed contracts can be given as a reference or, if a contract that has not yet been (fully) completed is put forward as a reference, only actually achieved results of the current contract may be given; a forecast of the results will not suffice. Gasunie retains the right to verify the reference.

5 AWARD CRITERIA

The award criterion is the most economically advantageous tender based on the best price-quality ratio and is determined as described below.

5.1 Weighted award criteria

Tenders to which no grounds for exclusion (Paragraph 3.1) apply and which meet the **suitability requirements** (Paragraph 3.2) are assessed using weighted award criteria. The following weighted award criteria are used:

No.	Award criteria	Maximum points
G1	Quality	70 (70%)
	1.1 Award sub-criterion 1 Plan of action - Implementation - Facilities - Expertise network - Availability of knowledgeable and skilled capacity	35
	1.2 Award sub-criterion 2 Case elaboration equipment failure examination and analysis	25
	1.3 Award sub-criterion 3 Corporate social responsibility: Emission reduction	10
G2	Price	30 (30%)
	2.1 Total price based on categorized all-in fees	30
	Total	100 (100%)

The scores of all the sub-criteria are added up. The contract is awarded to the tenderer with the highest score.

The applicable weighted award criteria are set out in this paragraph.

5.1.1 Quality assessment

Gasunie attaches great importance to the quality of the contract and wishes to conclude a contract with a tenderer who has submitted the most economically advantageous tender on the basis of the best price-quality ratio. This means that the client applies a minimum requirement when applying the award criterion of quality.

For the purpose of G1 quality, tenderer must submit a written elaboration. The written elaboration will form part of the contract with the awarded tenderer. In the event of contradictions, Gasunie's specifications will prevail at all times.

The written elaboration in the tender for the qualitative award criteria (G.1.1, G1.2 and G1.3) will be assessed on the basis of

- Completeness: All elements have been worked out in full.
- Correctness: What has been submitted is verifiable and concretely formulated.
- Consistency: The elaborated elements have a clear coherence and are not contradictory.
- Convincing: What has been submitted is convincing and/or gives confidence. That which is described is substantiated with (measurable) data and (concrete) examples.

The assessment procedure of the qualitative part of the tender on the basis of the qualitative criteria is as follows:

- Each member of the assessment team (consisting of experts in the field) individually determines the score per sub-award criterion. The table below is used to determine the score per sub-award criterion.
- The scores are then discussed in a joint meeting of the assessment team and the score awarded to the tender is determined jointly (consensus) for each sub-award criterion.
- The scores obtained for each sub-award criterion are converted in proportion to the maximum score for the component.

The award criterion G2 Price is assessed separately from the award criterion G1 Quality.

If, due to unforeseen circumstances, members of the assessment team drop out, Gasunie reserves the right to replace them with an employee with a similar expertise and role.

The following table with the valuation of the award criteria will be used by the members of the assessment team for the assessment of the qualitative part of the tender.

Answer	Evaluation	Valuation
Insufficient	In your elaboration, you do not address the objective or do so in an incomprehensible manner. The aspects/circumstances you were asked to elaborate on are not, insufficiently, or incomprehensibly addressed. This <i>may</i> be related to one or more of the following situations (note, these are examples and the list is not exhaustive): • In your elaboration, you did not or did not sufficiently clearly and/or concretely address the goal set by Gasunie regarding this specific sub-award criterion, and/or • In your elaboration, you did not or did not sufficiently clearly and/or concretely address the aspects/circumstances set by Gasunie, and/or • You are not consistent at all and/or contradict yourself, and/or • Your elaboration seems to be influenced by generalities, inaccuracies, copy-paste errors, etc., causing the evaluation team to conclude that you have insufficiently understood the assignment and/or the objective.	Knock-out
No added value	In your elaboration, you address the objective and entirely or partially address the aspects/circumstances you were asked to elaborate on. However, your elaboration has not convinced the evaluation team of added value. This <i>may</i> be related to one or more of the following described situations (note, these are examples and the list is not exhaustive): • In your elaboration, you did sufficiently clearly and/or concretely address the goal set by Gasunie, but it is insufficiently clear and/or concrete o The extent to which the elaboration actually contributes to the objective; and/or o	0% of the maximum number of points to be obtained

	The way in which the objective is actually achieved with the elaboration. • In your elaboration, you did sufficiently clearly and/or concretely address the aspects/circumstances set by Gasunie, but your elaboration insufficiently demonstrates the added value you offer Gasunie compared to the requirements and conditions set by Gasunie for the assignment, and/or • In your elaboration, you are not consistent in some parts and/or contradict yourself in some parts.	
Amplly satisfactory	In your elaboration, you address the objective and the aspects/circumstances you were asked to elaborate on, but the evaluation team misses elaboration on one or several requested aspects/circumstances and/or the elaboration offers limited added value. This may be related to one or more of the following described situations (note, these are examples and the list is not exhaustive): • In your elaboration, you did sufficiently clearly and/or concretely address the goal set by Gasunie, but it is limitedly clear and/or concrete o The extent to which the elaboration actually contributes to the objective; and/or o The way in which the objective is actually achieved with the elaboration. • In your elaboration, you did sufficiently clearly and/or concretely address the aspects/circumstances set by Gasunie, which also shows that you can offer more in some parts compared to the requirements and conditions set by Gasunie, but this added value is not sufficiently convincingly relevant for the assignment and/or concerns minor points and/or is hardly substantiated; and/or • Regarding the additional offerings, you are not consistent and/or contradict yourself; and/or • In your elaboration, you show little or no high-quality and/or innovative elements; and/or • Your elaboration achieves Gasunie's objective to a limited extent.	30% of the maximum number of points to be obtained
Good	In your elaboration, you thoroughly and completely address the objective based on the aspects/circumstances you were asked to elaborate on. The elaboration is solid, substantively relevant, and offers added value. This may be related to one or more of the following described situations (note, these are examples and the list is not exhaustive): • In your elaboration, you clearly and/or concretely address the goal set by Gasunie, and describe and substantiate clearly and/or concretely with mostly factual and verifiable information o The extent to which the elaboration actually contributes to the objective; and/or o The way in which the objective is actually achieved with the elaboration.	70% of the maximum number of points to be obtained

	• In your elaboration, you clearly and/or concretely address the aspects/circumstances set by Gasunie, which also shows that you can offer more in some parts compared to the requirements and conditions set by Gasunie, but in some parts, this added value is not fully relevant to the assignment; and/or • Your elaboration also addresses one or more unrequested aspects/circumstances that the evaluation team considers relevant to achieving the objective and with which you (mostly) offer added value; and/or • In your elaboration, you mostly show sufficient high-quality and/or innovative elements. However, in some (minor) parts of your elaboration, this is lacking and/or insufficiently substantiated; and/or • Your elaboration nearly achieves Gasunie's objective.	
Distinctive	In your elaboration, you excellently and completely address the objective based on the aspects/circumstances you were asked to elaborate on. The elaboration is highly relevant, specific to the assignment, innovative, and offers significant added value. This may be related to one or more of the following described situations (note, these are examples and the list is not exhaustive): • In your elaboration, you clearly and/or concretely address the goal set by Gasunie, and describe and substantiate clearly, concretely, and/or fully with appropriate and convincing factual and verifiable information The extent to which the elaboration actually contributes to the objective; and o The way in which the objective is actually achieved with the elaboration. • In your elaboration, you clearly and/or concretely address the aspects/circumstances set by Gasunie, which also shows that you can offer more in some parts compared to the requirements and conditions set by Gasunie, where this added value is fully relevant to the assignment; and/or • In your elaboration, you show high-quality and/or innovative elements, substantiated with factual and/or verifiable information, leaving no doubt with the evaluation team that you can realize your elaboration; and/or • The elaboration also addresses one or more unrequested aspects/circumstances that the evaluation team considers relevant to achieving the objective and with which you fully offer added value; and/or • Your elaboration fully achieves (and possibly exceeds) Gasunie's objective.	100% of the maximum number of points to be obtained

The quality criteria should be elaborated in the number of A4 pages (Verdana or a similar legible font, with a minimum font size of 9 points, including annexes, figures, infographics etc.) set for each

quality criterion. If more pages are submitted than allowed, only the pages up to the maximum allowed will be assessed.

G1.1 Award sub-criterion 1: Plan of action service provision

Purpose of the criterion: Ensure the provision of reliable, consistent, efficient and high quality service throughout the contract period. By selecting a partner that, during the term of the agreement, is capable of providing the services falling within the scope in a high-quality manner. This means in a way that adds value compared to what is included in the program of requirements.

To ensure tenderer can provide a quality of service that from the start of the contract until the end Gasunie asks tenderer to provide a plan of action in which tenderer addresses at least the following topics:

- An implementation plan which shows that tenderer is ready to provide high quality service right from the start of the contract
- A description the used facilities and how tenderer ensures that these facilities are kept up to date, available and in the required state for high quality service provision throughout the contract period.
- A description of how the tenderer ensures the availability and improvement of the expertise network that tenderer intends to utilize throughout the contract period.
- A description of how tenderer will ensure the availability of knowledgeable and skilled employees for this assignment throughout the contract period
- A description of the planning process for assignments including lead times from preparation to reporting the ensures efficient and effective service provision.

Answers to award sub-criterion 1: **Plan of action service provision** may comprise max. 6 A4 pages.

G1.2 Award sub-criterion 2: Case elaboration

Purpose of the criterion: award the contract to the tenderer who has a correct understanding of Gasunie's needs and the right technical understanding and skills to successfully perform the tasks under this contract.

Tenderer is – to determine the extent to which the purpose of the criterion is met – invited to elaborate on the following case:"

The case entails an equipment failure examination and analysis and is further described below:

Case: Equipment failure examination and analysis

A gas power station is provided by natural gas via a measuring station with three meter lines. Two lines have a 10 inch turbine meter and one line has a 2 inch turbine meter. In normal operation one or two 10 inch meters are opened and also the 2 inch line is opened but not delivering. When the power generation stops, it ramps down with the gas flow, at some point the 10 inch lines are closing and the 2 inch line stays open for gas delivery to utilities.

The situation to be examined is as follows: Lately the 2 inch meter had been damaged a few times, which did not occur in the past.

Purpose of the provided assignment:

Examine the situation the find out the cause(s) of the frequent damaging of the 2 inch turbine meter and propose solutions to prevent these damages in the future.

Assignment

Your answer to award sub-criterion 2: **Case elaboration** may comprise max. 2 A4 pages and should at least address the following:

1. Your approach (tasks and steps);
2. The level of employees you deploy for these tasks and steps. The applied levels should be in line with the levels as defined in the price model.
3. The applied method for data collection
4. Which data you would collect
5. The applied method(s) for analysis;
6. An explanation of how you would report.

G1.3 Award sub-criterion 3: Corporate Social Responsibility – emission reduction

Gasunie has the ambition to lower its scope 3 emissions.

The purpose of this criterion: award the contract to the tenderer that (i) – with its way of working – demonstrates an effective reduction of greenhouse gas emissions and (ii) offers concrete plans for continuous further reduction of greenhouse gas emissions during the execution of the agreement.

Describe which actions you have taken to reduce your emissions of greenhouse gases and describe which actions you plan to take during the contract period to further reduce these emissions.

Greenhouse gases are defined¹ as follows:

Greenhouse gases constitute a group of gases contributing to global warming and climate change.

The Kyoto Protocol, an environmental agreement adopted by many of the parties to the United Nations Framework Convention on Climate Change (UNFCCC) in 1997 to curb global warming, nowadays covers seven **greenhouse gases**:

- the non-fluorinated gases:
 - carbon dioxide (CO₂)
 - methane (CH₄)
 - nitrous oxide (N₂O)
- the fluorinated gases:
 - hydrofluorocarbons (HFCs)
 - perfluorocarbons (PFCs)
 - sulphur hexafluoride (SF₆)

¹ [Glossary:Greenhouse gas \(GHG\) - Statistics Explained \(europa.eu\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32006L0026)

- nitrogen trifluoride (NF₃)

Answers to award sub-criterion 3: Emission reduction may comprise max. 2 A4 page.

5.1.2 Price assessment

The total price consists of weighted hourly fees for three categories of services and prices for sample analysis for solids, liquids and greases/oils. Note that all these fees are all-inclusive and travel expenses cannot be invoiced separately.

The total price consists of weighted hourly fees for three categories of services and prices for sample analysis for solids, liquids and greases/oils. Tenderer offers these fees within the limits set by Gasunie. Note that all these fees are all-inclusive and travel expenses cannot be invoiced separately. The total score for price will be determined with the following formula:

$$Score\ price = Maximum\ score\ Price - \left(\frac{(WA_{Tenderer} - WA_{Minimum})}{(WA_{Maximum} - WA_{Minimum})} \right) * Maximum\ score\ Price$$

Where:

WATenderer = Weigthed Average of all fees offered by the tenderer

WAMinimum = Weigthed Average of the lowest possible fee within the set limits

WAMaximum = Weighted Average of the highest possible fee within the set limits

In Form C Pricing model the scoring system is worked out in an Excel sheet in which you can see the effect of the offered fees on the eventual total score on Price.

Please note:

- Prices and tariffs must be submitted on the basis of the Gasunie pricing model (Form C). Tenderers upload the fully completed and validly signed Price Sheet as .xls(x) and .pdf files;
- Only the yellow fields in the pricing model should be completed;
- The price offered is based on the provisions, technical specifications and conditions of fulfilment included in the tender documents.
- No rights can be derived from the quantities in the pricing model;
- Prices and tariffs have to be given in euros (€) and exclusive of VAT. The prices and tariffs offered by tenderer should be inclusive of other costs, overhead, profit, other taxes and/or charges, etc;
- Negative prices/tariffs are not allowed. Any discount offered by tenderer must be incorporated in the prices quoted on the Price Sheet;
- Gasunie expects, upon awarding and during the entire term of the Framework Agreement, a market-rate tariff which does justice to the scope and duration of the Framework Agreement;
- In addition, the tariffs submitted by the tenderer should fall within the given range in the pricing model. If tenderer offers prices outside this range this will lead to exclusion for further participation in the tender procedure.;
- Prices and tariffs can only be indexed as stated in the draft framework agreement.
- Gasunie has included an indexation in Annex 3 Draft framework contract. If the included indexation does not meet the tenderer's needs, the tenderer may submit comments on it. The tenderer should submit its comments, including a substantiation explaining why the indexation is not suitable for this (framework) contract, no later than in the last note of information round. Gasunie also requests the tenderer to submit a proposal for indexation in this case.

6 ASSESSMENT AND AWARD PROCEDURE

The assessment and award procedure takes place on the basis of the following steps described in this chapter.

6.1 *Assessment of the documents presented with the tender*

Tenders submitted on time on the basis of paragraph 3.7.1 are first checked for completeness and validity. Incomplete tenders may be excluded. Gasunie expressly reserves the right to request supplementary information to and/or clarification of the tender and/or submission of missing documents/supporting documents in the event of apparent omissions and ambiguities. This is to the extent permitted by the Procurement Act and case law in this regard. Gasunie shall, moreover, always see to it that the tender does not change.

Subsequently, it is assessed on the basis of the self-declarations in Form A (UEA) and the documents submitted whether any grounds for exclusion apply to the tenderers and whether the tenderers meet the suitability requirements. If a tenderer does not meet the minimum requirements set, this will result in exclusion from the further award procedure.

If none of the grounds for exclusion apply to the tenderer, the tender is complete and the tender meets all the stipulated requirements including **suitability requirements**, the (valid) tenders will be assessed on the Award sub-criteria, as described in Chapter 4 (award criteria).

The tenderer with the highest overall score has submitted the most economically advantageous tender based on the best price-quality ratio and will be awarded the agreement.

In case two or more parties achieve the same overall score the sub quality criterion with the highest maximum value will be decisive. So the bid with the highest score on that sub criterion will be considered the most economically advantageous tender.

If the bids also score equally on that quality criterion, the quality criterion with the next highest maximum value will be decisive. When quality criteria have the same maximum value, the order in which the quality criteria are listed in the tender guidelines will apply. If ultimately none of this is decisive, a draw will determine which bid is considered the most economically advantageous tender based on the best price-quality ratio.

6.2 *Notification of exclusion*

If the assessment referred to in paragraph 6.1 gives rise to the exclusion of one or more tenderers because their tender is incomplete, Gasunie will inform the tenderer in question in writing as soon as possible.

If the tenderers that were immediately excluded do not agree with the direct exclusion, and wish to initiate summary proceedings, they should do so within the time specified and in the manner as indicated in the notification of exclusion.

Gasunie reserves the right to issue the said notification of exclusion and/or rejection at the same time as the notification of the award decision as referred to in paragraph 5.3.

6.3 Notification of the provisional award decision

Before the (final) award of the contract, Gasunie will first notify all tenderers at the same time whom they intend to award the contract to (provisional award decision). During the legal protection period referred to in section 5.5, tenderers can object to this decision of provisional award by instituting summary proceedings. This award decision will be announced in writing electronically through Ariba eSourcing, where the result of the award decision will be substantiated. No rights may be derived from this provisional decision. This means, among other things, that Gasunie may, of its own accord, reconsider the intention to award the contract without the tenderer to whom it intends to award the contract having the right to claim any compensation. This can happen, for instance, if Gasunie itself discovers errors in the tender procedure or if Gasunie finds in favour of an objecting tenderer without awaiting the outcome of any summary proceedings.

6.4 Verification of data

During the objection period, the provisions of the Uniform European Tender Document and suitability requirements of the winning tender will be verified, including by requesting the supporting documents.

The tenderer to whom Gasunie intends to award the contract will be asked to submit the requested documents and provide the requested information within a period of seven (7) calendar days from the date of Gasunie's request to that effect.

If supporting documents do not confirm the information and data provided by the tenderer, its tender will be set aside or the award decision will be withdrawn, unless in Gasunie's opinion there is an apparent material error.

In the event that the winning tenderer's tender is still set aside during the objection period, Gasunie will withdraw the award decision. At that time, the ranking will be redetermined without the entry of the initially winning number one. Please note: this may mean that the original number two in the renewed ranking will not become the new number one. Gasunie will then send a new award decision with a new objection period.

Number two in the new ranking will then be eligible for the reserve list agreement.

6.5 Final award decision

Gasunie shall, after expiry of the legal protection period of 20 calendar days, proceed to definitively award the contract by means of a notification to that effect. The award decision does not yet constitute an agreement as referred to in Article 6:217 of the Dutch Civil Code. The final award takes place by means of a (separate) written awarding of the contract, after which both parties are obliged to sign the (framework) agreement.

If summary proceedings are instituted against the award decision within 20 days of the date on which the notification referred to in paragraph 5.3 was published, Gasunie will not proceed to award the contract until a decision has been given in such proceedings.