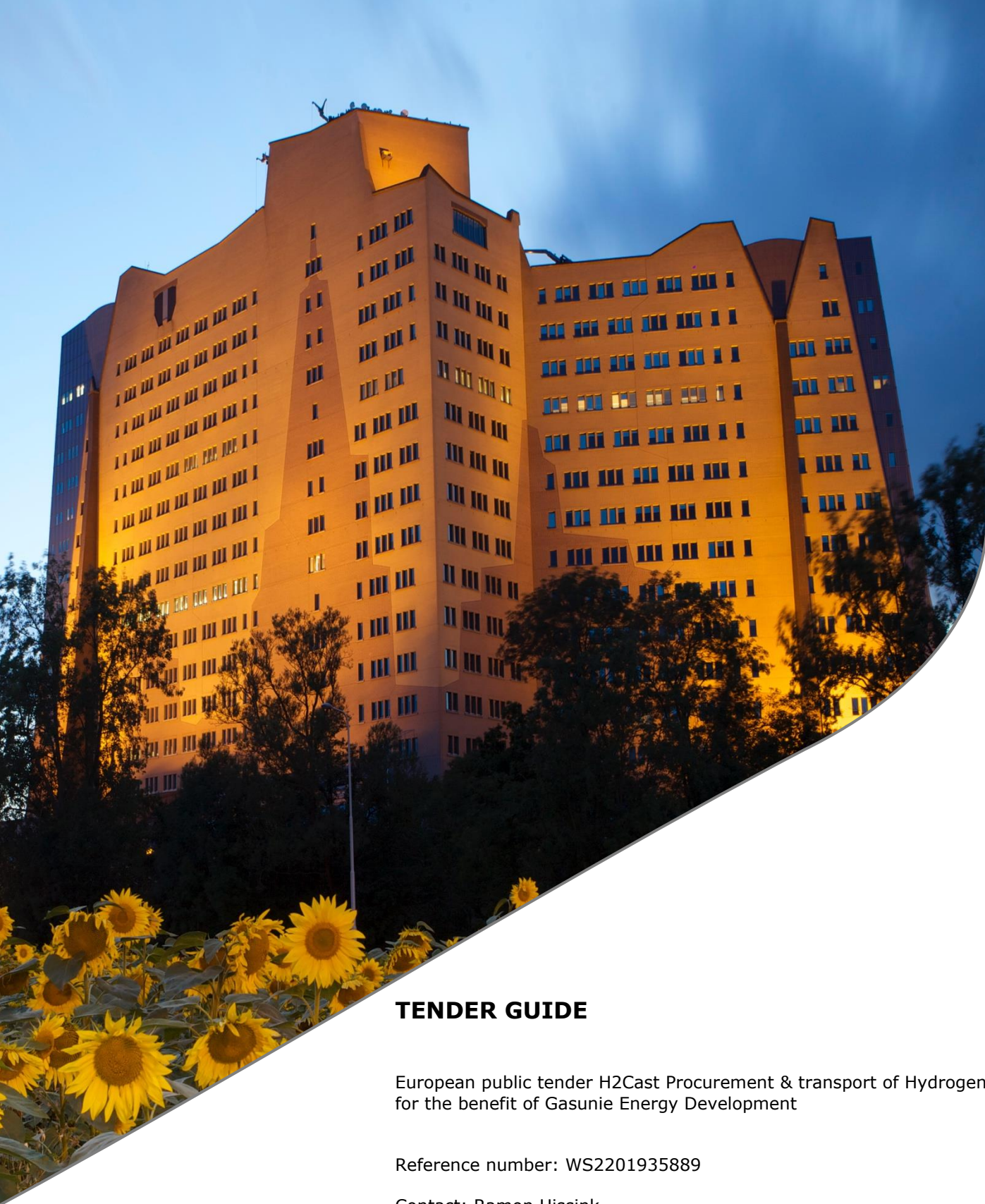




TENDER GUIDE

European public tender H2Cast Procurement & transport of Hydrogen
for the benefit of Gasunie Energy Development

Reference number: WS2201935889

Contact: Ramon Hissink
Version: Final

N.V. Nederlandse Gasunie
Groningen, October, 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
1.3	H2Cast Project	5
1.4	The Client	5
1.5	Quantity and/Scope of the contract.....	5
1.6	Term of the intended contract	6
2	TENDER PROCEDURE.....	6
2.1	Schedule	6
2.2	Digital tender via Ariba eSourcing	6
2.3	Language.....	6
2.4	Tender costs	7
2.5	Information and note of information	7
2.6	Tendering	7
2.7	Content of the tender	7
2.7.1	Documents to be submitted with the tender	8
2.7.2	Documents to be submitted after the tender	8
2.8	Decision not to participate	9
2.9	Ambiguities and contradictions and forfeiture of rights	9
2.10	Complaints about the tender process	9
3	GROUND FOR EXCLUSION AND SUITABILITY REQUIREMENTS.....	10
3.1	Grounds for exclusion	10
3.2	Suitability requirements	11
3.2.1	Financial and economic capacity	11
3.2.2	Technical and professional ability: Certification	12
3.2.3	Technical and professional ability: References.....	12
4	AWARD CRITERIA	13
4.1	Price assessment	13
5	ASSESSMENT AND AWARD PROCEDURE.....	14
5.1	Assessment of the documents presented with the tender.....	14
5.2	Notification of exclusion	14
5.3	Notification of the provisional award decision	14
5.4	Verification of data	14
5.5	Final award decision	15

Annexes to the Tender guide:

Annex 1	Programme of requirements
Annex 2	General terms and conditions Deliveries version 2020
Annex 3	Draft delivery Agreement
Annex 4	Gasunie Tendering Regulations, including ARN ²⁰¹⁶
Annex 5	Gasunie Suppliers Code of Conduct
Annex 6	Gasunie Complaints Procedure for Tenders
Annex 7	Model for submitting questions

Forms to be submitted with the tender (§ 2.7.1):

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

Forms to be submitted (on request) after the tender (§ 2.7.2):

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 in Ariba eSourcing.

1 GENERAL INFORMATION

1.1 Introduction

This tender guide contains information about the European public procurement procedure for the contract H2Cast Procurement & transport of Hydrogen executed by N.V. Nederlandse Gasunie (Gasunie) on behalf of Gasunie Energy Development GmbH (hereafter: GED).

The object of this tender guide is to provide information about GED, 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 tender, 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, which are applicable for this tender on behalf of GED, and the ARN²⁰¹⁶ have been added in Ariba eSourcing.

The tender was published on TenderNed on 01-10-2024.

The contract will be awarded to the economically most advantageous tenderer, based on lowest price.

1.2 N.V. Nederlandse Gasunie

N.V. Nederlandse 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 contract to be concluded.

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

1.3 H2Cast Project

H2CAST is an acronym and stands for H2 CAvern Storage Transition, i.e. the conversion of existing caverns and facilities.

The H2CAST pilot project is intended to

- a). demonstrate the feasibility of large scale underground hydrogen storage (UHS) and to prove the suitability of the salt caverns in Etzel for hydrogen storage and
- b). to research the hydrogen storage operation including purification and compression.

Once successfully completed the pilot project will pave the way for converting (re-purposing) and expanding the existing cavern field, including above ground processing facilities and the pipeline infrastructure to comply with the expected growing hydrogen storage demand to support the Northwest Europe region.

The pilot project is executed by a consortium of industrial and research parties. Storag Etzel is responsible and technically leading all cavern related activities whereas GED is responsible for engineering, constructing and operating the hydrogen processing and compression installation. The objective of the plant provides opportunity to gain experience, and execute extensive testing of surface equipment under realistic hydrogen storage conditions.

For further information see www.h2cast.com.

1.4 The Client

The company Gasunie Energie Development GmbH from Hannover is a part of the Gasunie Group. GED is a German company for the development of hydrogen activities in Germany within the Gasunie Group.

The H2CAST project is split in three project parts (Ready, Invest and Prove), each project part is funded by a German authority. Materials are ordered under the H2CAST Invest project part, which is funded by NBank (the development bank for the German federal state of Lower Saxony). As the funding has been appointed to GED, GED will be the contracting party.

1.5 Quantity and/Scope of the contract

The required quantity of hydrogen is 44.500 kilogram (KG). This hydrogen needs to be transported and delivered to Storag Etzel GmbH at the Etzel location.

The scope of the contract is the procurement and transportation of hydrogen. The estimated value is 500.000 euros.

This amount is indicative and offers no guarantee for the future. Tenderers can therefore not derive any rights from these figures. GED is not bound to actually place orders or further orders with the contractor.

The requirements that a tenderer must meet are stated in the program of requirements, which can be found in Annex 1.

1.6 Term of the intended contract

GED intends to sign a contract with one (1) tenderer. The intention is to have the agreement signed in December 2024. The intended effective date of the deliveries to be performed is April 2025 or as soon as possible afterwards. The intended effective date is a target date, and no rights can be derived from it.

The General Terms and Conditions for Supplies version 2020 apply to the contract.

2 TENDER PROCEDURE

2.1 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 / Publication on Ariba	01-10-2024
Deadline to submit questions	06-11-2024 12:00
Publication note of information- As questions	08-11-2024
Deadline submission of offer	19-11-2024,12.00 hours
Notification of the provisional award decision	26-11-2024
Legal protection period (20 days)	09-12-2024
Final award decision	17-12-2024
Signing of the agreement	December 2024 / January 2025
Effective date agreement	01-04-2025

2.2 Digital tender via Ariba eSourcing

This tender is carried out entirely electronically via Ariba eSourcing (<https://service.ariba.com>). This means that, among other things:

- All tender documents are made available free of charge and digitally through Ariba.
- Tenderers can submit questions via Ariba Messages, Ariba's messaging module;
- Tenders can only be submitted digitally;
- In principle, all further correspondence also takes place via the Ariba 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 Ariba'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 Ariba eSourcing, tenderer can contact the Ariba help desk (<https://connect.ariba.com>) or refer to the various manuals on <https://www.gasunie.nl/leveranciers/ariba>.

2.3 Language

The tender procedure is conducted in the English language. Unless otherwise stated or unless otherwise stated in writing by Gasunie in the subsequent tender procedure, all documents submitted

by the tenderer must be in the English language. The same applies to the performance of the contract throughout the contract period.

2.4 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.

2.5 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 Excel format attached in Ariba eSourcing ('Model for submitting questions re. information notice'). 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 'Messages' functionality of Ariba eSourcing (with the questions added as an attachment), with the reference: "Questions information round". Questions may be submitted throughout the period up to the deadline for questions. The questions will be published anonymously via Ariba eSourcing. The questions will be answered as soon as possible once the answer is ready, and the answers will be published via Ariba eSourcing as soon as possible. The deadline for asking questions is listed in the schedule in paragraph 2.1.

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 Ariba eSourcing, including any amended tender and contract documents, no later than the date specified in paragraph 2.1. Tenderers are advised to keep a close eye on the answers to the questions via Ariba eSourcing. 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.

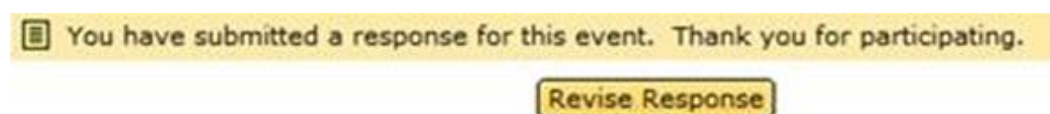
2.6 Tendering

The tender must be submitted before the deadline specified in Ariba eSourcing. All tender documents must be complete and (where specifically requested) validly signed, and submitted electronically to Gasunie via Ariba eSourcing. During the tender period, the currently available time for submitting tenders is visible in Ariba eSourcing, under 'Time left'. 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 said deadline. Ariba eSourcing will automatically close at the time specified. It is not possible to submit a tender after the deadline.

The tenderer will see the following message in Ariba eSourcing once all required data has been uploaded and released. If the tenderer does not see the following message, the tender cannot be taken into consideration.



2.7 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.

2.7.1 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 2.1, comprise the following documents:

- **Uniform European Tender Document (UEA) - (Form A)**
- **Reference(s) - (Form B)**
- **Award model - (Form C)**

2.7.2 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 3.1.**

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 Fout! Verwijzingsbron niet gevonden..**

See the column 'Supporting document (to be submitted on request)' as specified in paragraph **Fout! Verwijzingsbron niet gevonden..**

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 3.2.1 (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.

2.8 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.

2.9 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.

2.10 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 6 Gasunie Complaints Procedure for Tenders.

Submitting a complaint will not automatically suspend the tender procedure.

3 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.

3.1 Grounds for exclusion

Uniform European Tender Document (UEA)

The tenderer shall attach to the tender a completed and lawfully 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.

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 new EU sanction package (Regulation 2022/576)

In connection with the new 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.

3.2 Suitability requirements

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

3.2.1 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	Gasunie itself requests the report from Dun & Bradstreet; where necessary, the tenderer must provide additional information.

considerable credit risk. The figure 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 feels 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.

3.2.2 *Technical and professional ability: Certification*

As regards the suitability requirement technical or 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.

3.2.3 *Technical and professional ability: References*

As regards the suitability requirement technical or professional ability, the tenderer must submit one or more references 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.

Core competence	Supporting documents (to be submitted on request)
Tenderer has experience with the successfully delivery and transported hydrogen via trucks.	One reference showing that tenderer meets this core competence plus a satisfaction statement of the client that the reference contract has been properly executed both with respect to the manner of execution and with respect to the result

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 five 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.

4 AWARD CRITERIA

The award criterion for the most economically advantageous tender is determined based on the lowest price, as outlined in chapter 4.1. The tender with lowest fixed price per kilogram for hydrogen and transport combined, is regarded as the most economically advantageous tender based on the lowest price which GED intends to award the contract. The primary objective is to secure the delivery of hydrogen within a strict timeframe of 4 months. The minimum requirements are clearly outlined in the program of requirements. GED has determined that adding more quality criteria does not provide additional benefits for this specific tender. A fixed price per kilogram for hydrogen and transport allows for a straightforward comparison of offers. This ensures transparency and fairness in the evaluation process, making it easier to identify the most cost-effective solution.

4.1 Price assessment

The price assessment includes all fixed costs associated with transport and delivery of 44.50 tons of hydrogen as proposed by the:

- **All-in price hydrogen:** such as production, energy, and any other surcharges.
- **All-in price transportation:** such as loading, unloading, kilometres, and (driver/driving)hours.

GED intends to award the tenderer who submits the lowest total price.

Tenderers are requested to submit (using form C) the pricing as requested as follows (prices mentioned in the table below are examples):

Gasunie Energy Development- Tender Hydrogen & transport			
		44.500	KG Hydrogen required
Price Hydrogen			(please fill in only the salmon-colored fields)
Fixed price / KG	€ 7,89	€	351.105 All-in price: production, energy, any surcharge
Price transport			
Fixed cost transport one truckload	€ 789,00		All-in price: loading, unloading, kilometers, (driver)hours
Max KG load for one load	380		
Netto truckload	70%		On average this much can be unloaded, as every truck will leave again with same load/pressure as in cavern.
Number of trips required	167		
Total price transport:		€	131.994,36
Total price:		€	483.099,36

Please note:

- Prices and tariffs must be submitted based on the Gasunie award model (Form C). Tenderers upload the fully completed and validly signed Price Sheet as .xls(x) and .pdf files;
- Only the salmon colored fields in the pricing model should be completed;
- Adjustment(s) of the model (Form C) are not allowed. If the submitted Price Sheet differs from the model (with the exception of the to be filled in fields) the Price Sheet will be regarded as invalid and as a consequence the tender will be regarded as invalid.
- 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 any and all 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 delivery Agreement, a market-rate tariff which does justice to the scope and duration of the delivery Agreement;
- In addition, the tariffs submitted by the tenderer must be realistic (that is, break-even). Abnormally low tenders, tenders that are manipulative, unrealistic or otherwise unacceptable or irregular, may be excluded by Gasunie from further participation in the tender procedure;

5 ASSESSMENT AND AWARD PROCEDURE

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

5.1 Assessment of the documents presented with the tender

Tenders submitted on time on the basis of paragraph 2.7.1 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 criteria, as described in Chapter 4 (award criteria).

The tenderer that has submitted the lowest price will be awarded.

5.2 Notification of exclusion

If the assessment referred to in paragraph 5.1 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.

5.3 Notification of the provisional award decision

Before deciding to award 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.

5.4 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.

5.5 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 delivery 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.