



Tender Document

Invitation to tender in accordance with the European open procedure for the procurement of consultancy services for Women's Economic Empowerment in Kenya

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Definition of terms

Contracting Authority	The State of the Netherlands, represented by the Minister of Economic Affairs and Climate Policy, who concludes the Contract with the Contractor on behalf of the Contracting Authority.
Contractor	The party with whom the Contracting Authority concludes the Contract.
Data processing Agreement	An agreement signed by the Contracting Authority and the Contractor concerning the processing of personal data by the Contractor. When a Contract is awarded on the basis of the ARVODI, the Contract may require the Contractor to process Personal Data on behalf of the Contracting Authority. If so, the Parties must conclude a Data Processing Agreement under article 28, paragraph 3 of the General Data Protection Regulation ('the Regulation'). In a Data Processing Agreement the Contracting Authority and the Contractor make agreements on the Processing of Personal Data in the context of the Contract.
European Single Procurement Document	A statement in which the Tenderer declares his compliance with the requirements specified in this document.
Exclusion Ground	A circumstance applicable to the Tenderer or a person affiliated with the Tenderer that results in exclusion of the Tenderer from participating in the tendering process.
Framework Agreement	The written framework agreement between the Contracting Authority and the Contractor in which the conditions applicable to the public contracts that will be awarded via this tendering process (Further Agreements) will be recorded within a specific period
Further Agreement	A written agreement signed by the Contracting Authority and the Contractor based on the Framework Agreement.
General Government Terms and Conditions	General Government Terms and Conditions for Public Service Contracts 2018 (ARVODI-2018: <i>Algemene Rijksvoorwaarden voor het verstrekken van Opdrachten tot het verrichten van Diensten</i>).
IUC-EZK	The Procurement Office (IUC) – part of the Netherlands Enterprise Agency (RVO.nl), which in turn is part of the Ministry of Economic Affairs and Climate Policy (EZK) – will serve as process manager during this tendering process.
Memorandum of Information	A document containing all questions asked and answers given, in anonymised form and, if applicable, additional information. This includes the questions and answers submitted via TenderNed.
Most Economically Advantageous Tender	The Tender that achieves the highest definitive total score based on the best price-quality ratio.
Public Procurement Act	The Public Procurement Act 2012 (<i>Aanbestedingswet 2012</i>)

Suitability Requirements	The requirements with which Tenderers must comply in order to be eligible to win the Tender.
Tender	A quotation submitted by the Tenderer in response to this Tender Document.
Tenderer	An entrepreneur or entrepreneurs who have submitted a Tender or is/are planning to submit a Tender. In this document, the word 'you' is taken to mean the Tenderer.
Tender Document	This document and all of its annexes.
Tendering Authority	The Netherlands Enterprise Agency (RVO), an agency of the Ministry of Economic Affairs and Climate Policy.

1. Introduction

The Tender Document at hand contains information regarding this invitation to tender conducted in accordance with the European open procedure for procurement of consultancy services for a CBI project with a focus on Women's Economic Empowerment in Kenya. For this project we are looking for the following types of consultants:

1. Financial Development Service Provider (Lot 1)
2. Business Development Service Provider (Lot 2)

The project started in 2022 and will have a maximum duration of 5 years. You are hereby invited to submit a Tender based on this Tender Document.

1.1 Tendering Authority and IUC-EZK

This tendering process is being conducted on the instructions of the Centre for the Promotion of Imports from developing countries (CBI), part of the Netherlands Enterprise Agency (RVO.nl) of the Ministry of Economic Affairs & Climate Policy (EZK).

IUC-EZK is the procurement office of EZK and will act as process manager during this tendering process.

1.2 CBI

CBI supports the transition towards inclusive and sustainable economies. CBI focuses on transitions in targeted export sectors in least developed and lower-middle income countries, working towards becoming more inclusive and sustainable. CBI has a bottom-up approach, starting from the perspective of local small and medium-sized enterprises (SMEs), strengthening their competitive position on European and regional (niche / value added) markets for products and services with positive economic, social and environmental impact. CBI operates as a facilitator, broker and partner on multiple levels.

CBI carries out multiple (mostly 4-6) year projects in selected value chains in least developed and lower-middle income countries, targeting in an integrated manner SME exporters, their supporters and influencers such as Business Support Organisations (BSOs), private service providers and government authorities, and European and regional importers. CBI projects promote compliance to Corporate Social Responsibility (CSR) principles.

Customizing projects to the local situation is key, tackling those issues that impede sustainable exports to Europe (and regional markets if applicable). That is why CBI works in close collaboration with local governments, business support organisations, sector associations and other expert organisations. CBI works in 30 countries and 14 sectors.

Not only does CBI integrate CSR in its own work, it is also asked from all stakeholders to do so. Furthermore, the United Nations Sustainable Development Goals are very important guidelines as well. CBI contributes directly to:

- Goal # 5 Achieve gender equality and empower all women and girls
- Goal # 8 Decent work and economic growth
- Goal # 12 Responsible consumption and production
- Goal # 17 Partnerships for the goals

For further information on CBI, please visit www.cbi.eu.

1.3 Reason for this invitation to tender

This tender concerns the implementation of the Women Economic Empowerment (WEE) project in Kenya.

The CBI strategy 2021-2025 highlights the importance of enhancing the (socioeconomic) position of women in target countries. Within the framework of this strategy, new ways are being explored to develop project ideas. This specific project differs from the regular CBI projects as it is a cross-sectoral project and has a specific focus on strengthening the enabling environment to support women entrepreneurs in Kenya.

The overall long-term vision of this new project is that *Women entrepreneurs in Kenya have the power to act, through self-confidence, decision-making and capabilities*. Women entrepreneurs and female employees in Kenya will be empowered through the project, due to the coordinated availability of gender responsive business development services, leading to business growth, increased access to markets, increased export (to the EU and regional markets), and more decent employment opportunities for female employees.

Women entrepreneurs in Kenya face various obstacles in their journey to become successful entrepreneurs, scale their businesses and export to international markets. These obstacles range from a lack of access to information, finance, networks and services to lack of skills and knowledge, and are related to underlying root causes, for instance concerning cultural and social norms, the Digital Gender Divide and time poverty due to (unpaid) care work. A considerable amount of women entrepreneurs lack role models and remain small or stop their businesses because of inability to grow.

At the same time, many initiatives and programmes implemented by development organisations, government, BSOs etc. in Kenya are taking efforts to address these obstacles.

Stakeholder consultation as part of the project development showed that there is potential for reaching a larger, and more diverse (in terms of size and geographical location), group of women entrepreneurs and aligning business support services according to specific needs of women entrepreneurs.

In June 2022, a Women's Economic Empowerment CBI stakeholder meeting (Future Search) was held to identify challenges facing women export entrepreneurs in Kenya. It gave recommendations on project activities to focus on four areas:

1. Improved access to finance and related services for women entrepreneurs;
2. Improved access to markets and related services for women entrepreneurs;
3. *Improved gender responsive service delivery for grassroots women entrepreneurs;*
4. *A Functional Women Economic Empowerment Ecosystem with a unified voice to promote exports of women enterprises.*

The current Tender Document is written for two lots focussing on pilot 1 and 2:

Lot 1 - Financial Development Service Provider (for pilot 1) to enhance access to finance for women entrepreneurs. Through tailored support, including boot camps, prospective women exporters will be prepared and guided in accessing finance.

Lot 2 - Business Development Service Provider (for pilot 2) to build the capacity of private, public and consultancy trade support institutions (TSIs) to be gender-responsive in their (export) services and meet the specific needs of women entrepreneurs.

A more elaborate description of this assignment can be found from Chapter 2 onwards. A checklist and other information about how to submit this tender can be found in chapter 7.

1.4 Time schedule

The schedule below applies to this tendering process.

14 February 2024	Issuing of publication, start of tendering period.
21 February 2024 11:00h (CET)	Information meeting via Microsoft Teams (paragraph 7.3.3)
1 March 2024, 13:00h (CET)	Closure of round of questions: deadline for the Tenderer to submit questions regarding this Tender Document, the Data Processing Agreement, and the Contract (including the general terms and conditions) and/or proposals for textual amendments to the draft Contract (including the general terms and conditions).
15 March 2024	Issuing of Memorandum of Information
27 March 2024, 13:00h (CET)	Deadline for the receipt of Tenders and opening of Tenders by the Tendering Authority.
5 April 2024	Deadline for request for explanation and/or substantiation of Tender (paragraph 7.3.23)
10 April (& 15 April 2024)	Verification sessions - presentation of Tenders by Tenderers (paragraph 7.3.23). <i>15 April 2024 serves exclusively as fallback option.</i>
10 May 2024	Announcement of the award of the Contract.
25 May 2024	Deadline for the winning Tenderer to provide the evidence requested by the Tendering Authority.
30 May 2024	Deadline for asking questions and/or filing an application for a preliminary injunction in relation to the announcement of the award of the Contract.
10 June 2024	Starting date of Contract.

If – in the opinion of the Tendering Authority – circumstances provide cause to do so, the Tendering Authority is entitled to amend the specified period(s). In such a case, timely notification of the new period(s) will be provided digitally.

Support in using TenderNed

The TenderNed website is unfortunately only in Dutch. The Contracting Authority understands that this makes it difficult for parties not fluent in Dutch to participate in this tender procedure. Therefore, the Contracting Authority offers Tenderers in need thereof support in using TenderNed. A Tenderer can receive support in the following tasks:

- the registration of your company or organisation in TenderNed;
- viewing and sending messages;
- down- and uploading documents;
- submitting your tender.

The costs for this support are paid by the Contracting Authority. If you would like to use this support, please send an email to services@cbi.eu. In your email, use the subject 'Tender support for WEE project Kenya'.

Please note

The Contracting Authority emphasises that substantive advice in, for example, asking questions or improving the Tender is not part of this support and will not be paid for.

2. Description of assignment

2.1 Description and objective of the project

As mentioned above, the overall project objective is that women entrepreneurs and female employees in Kenya will be empowered through the project, due to the coordinated availability of gender specific support services, leading to business growth, increased export to the EU and regional markets, and more decent employment opportunities for female employees.

The following **long term objectives** of the project have been defined:

1. Rules and regulations are gender responsive and are enforced;
2. Women Entrepreneurs make use of relevant business services through increased gender responsiveness;
3. Women Entrepreneurs scale their business, through the export of products and services, and create decent employment for female employees.

June 2022, a Women's Economic Empowerment CBI stakeholder meeting (Future Search) was organised and 73 participants attended this stakeholder event. Representatives from nine different stakeholder groups came together to discuss the future of women entrepreneurship in Kenya and to design pilots to support women entrepreneurs to improve their access to markets and access to finance. Together with the steering committee and working groups the following four pilots are developed and will be implemented from October 2023 onwards:

1. Improved access to finance and related services for women entrepreneurs (A2F)
2. Improved access to markets and related services for women entrepreneurs (A2M)
3. Improved gender responsive service delivery for grassroots women entrepreneurs and women-led enterprises
4. A Functional Women Economic Empowerment Ecosystem with a unified voice to promote exports of women enterprises

This Tender Document concerns the assignments focused on pilots 1 (A2F) and 2 (A2M).

Pilot 1 - Improved access to finance and related services for women entrepreneurs (A2F)

This pilot is focusing on one of the biggest challenges that women entrepreneurs face – access to finance and loans to expand their business. The pilot is mainly related to long term objective 3: Women Entrepreneurs scale their business, through the export of products and services, and create decent employment for female employees.

During several stakeholders sessions it was noted that women entrepreneurs face several challenges by accessing loans with the result that it takes longer than necessary to expand their business for potential export. Women entrepreneurs often have bank accounts but do not access formal finance products because:

- They self-select out of applying, assuming their application will be declined;
- Their financial documents are not aligned to the requirements of financing providers;
- They simply do not have sufficient information on the financing available to them or how to apply for it;
- They are not ready and prepared for financing and expansion of the business. Lack of collateral may be an issue.

This pilot will test a business model to support women entrepreneurs in accessing loans for their business. It will build further on International Trade Center's (ITC) tried and tested innovative boot camp approach to prepare entrepreneurs for financing. We shall review and adapt the content according to assessed needs to ensure it is appropriate for women-led enterprises in Kenya, is gender-responsive, and particularly speaks to the needs of women entrepreneurs in export sectors. Initially, a total of 30 entrepreneurs will be selected based on pre-agreed criteria that are linked to enterprise fundamentals, management, motivations and export readiness. Boot camp topics will include fundamentals of financial planning and growth management, supply chain vulnerability assessment, resilience and business continuity planning. Enterprise clinics will be provided on topics

such as real production and selling costs, buyer and market compliance, as communication with financing providers and improving credit ratings. Several meetings with financing providers (FPs) will be held to engage them in design and coordination aspects of the project, organize a reporting/governance framework and plan for long-term continuity and sustainability of the process.

If the pilot shows success, stakeholder meetings will be organized to plan expansion of the pilot process and adapt it to reach more women entrepreneurs and engage more financing providers in a commercially viable service delivery.

Pilot 2 - Improved access to markets and related services for women entrepreneurs (A2M)

The second pilot is directly related to long term objective 2: Women Entrepreneurs make use of relevant business services through increased gender responsiveness.

Preliminary findings (from Future Search and project development research) show that there is limited access to information and knowledge on how to access the export market among women-owned/led export entrepreneurs. In addition the project development research learnt that women export entrepreneurs, in order to be able to grow their business require a coherent and effective supporting services structure for the benefit of the various sectors. The project seeks to address these gender specific barriers through building the capacity of trade support institutions (TSI's) to offer gender responsive business development support services that will foster increased participation of women entrepreneurs in Kenya in international trade. This is against the backdrop of trade support institutions operative in a gender blind manner not recognizing the barriers faced by women entrepreneurs in venturing into the export market.

The project aims to reach private, public and consultant TSI's to make their services more attractive and to meet the needs of women entrepreneurs. This initiative component plans to engage a number of public and private sector export trade support entities in Kenya and SME private consultancy firms in international trade who express a clear intention to provide export-oriented services to women entrepreneurs at the grassroots level. The aim is that at least 75 women-owned (exporting) SMEs should receive improved market development services from service providers.

The abovementioned expected outcomes and activities that are part of the pilots are not the sole responsibility of the Contractors selected through this tender procedure. The specific role of the Contractor and scope of the assignment is described under 2.5 Role of the Contractor.

This Tender is not related to the two other pilots:

Pilot 3 - Improved gender responsive service delivery for grassroots women entrepreneurs and women-led enterprises

Pilot 4 - A Functional Women Economic Empowerment Ecosystem with a unified voice to promote exports of women enterprises

2.2 Project approach

CBI is continuously developing its methodologies regarding project design and implementation and will focus more and more on bringing systemic changes in sectors in order to set in motion a transformation towards more sustainable and inclusive sectors. In this respect the Market System Development (MSD)-approach was chosen as the most interesting approach for future CBI project development and implementation and it is the approach for this project as well.

The MSD approach seeks to address the root causes of why markets fail in order to make systemic changes that support lasting inclusive growth. The MSD approach is used by various international cooperation organizations as the guiding principle of their project development and implementation processes, mainly in agricultural sectors. The key objective of the approach is to anchor the project's interventions in the sector, to support the development of financially sustainable service delivery models by actors in the market system. During project implementation constant monitoring and evaluation will take place by CBI. To facilitate this, indicators on process level will

be developed during the implementation phase. For detailed information on MSD, including best practices please see www.beamexchange.org.

Using the MSD-methodology in this project will mean that the project will play (as much as possible) a facilitator role instead of an implementer (direct delivery) role. To facilitate market actors and local institutions to find and develop solutions and services that address a particular constraint/opportunity instead of the services being provided by CBI (or other donor organizations) As part of the MSD approach, CBI intends not to become part of the system, but thinks about an exit strategy from the beginning. Our goal is that these services will be focussed on the long-term and be sustainably set-up.

2.3 Target Group and participants

The target group for the activities of this tender consists of:

- Women entrepreneurs with the potential to export and women farmers that are willing to expand their business;
- All stakeholders active in the WEE ecosystem in Kenya, especially (potential) Business Development Service Providers, women's organisations and women's associations;
- Financing providers willing to engage with the project to better serve women entrepreneurs and women-led enterprises.

2.4 Target Market

CBI has not yet specified any sectors or specific target markets at the start of this project. However, it is expected that once sectors are determined, the target markets will be countries in the EU and EFTA and regional markets.

2.5 Role of the Contractor

Hereunder a description of the roles of the two different lots:

Lot 1: Financial Development Service Provider for pilot 1 (A2F) :

The role and responsibility of the Financial Development Service Provider will be to:

- Engage, organise, coach and prepare the women entrepreneurs;
- Reviewing their financial and business management skills, and the fundamentals of their enterprise; and
- Explaining the implications of financing arrangements.

When the entrepreneurs have successfully assembled their basic documentation the Financial Development Service Provider will facilitate business development boot camps with financing providers (FPs) and topical clinics to guide financing application compilation for those requiring funding for business expansion. The provider will also engage and coordinate with FPs before the boot camps on documentary requirements, proposed financing terms & conditions and participation. Post financing the provider will guide the entrepreneurs in performance, communications and reporting liaise with (FPs) on results.

Activities:

- Adapt ITC's tried and tested innovative boot camp training materials to the Kenyan context, including incorporating gender considerations, together with the CBI team;
- Support in promoting expression of interest for participation of women entrepreneurs;
- Support the selection and engagement of women entrepreneurs to participate in the process and boot camps;
- Review SME pre boot camp documentation responses;
- Prepare MSMEs for boot camps and loan or grant pre-qualification, including conducting an assessment of enterprise situations, financials and needs;
- Prepare, organise and facilitate BDS boot camps for selected women entrepreneurs;
- Guide BDS post boot camp entrepreneur application file & coordinate submission to FPs;

- Brief FPs in collaboration with the CBI team ;
- Monitor actual SME lending agreements, funds arrival & allocations and report for those who are approved ;
- Provide post financing performance monitoring and coaching, performance communications and reporting guidance to the entrepreneurs ;
- Review actual SME funds usage, repayments, performance, communications with FPs ;
- Develop funds usage & ESG change reports ;
- Organise FP meetings and review & report on feedback to make process refinements ;
- Provide a final report and presentation to stakeholders, including recommendations of learnings, potential and appetite for expansion by stakeholders in future rounds including on how to ensure sustainability with MSD approach in mind ;
- Conduct programme management activities as needed.

Lot 2: Business Development Service Provider for pilot 2 (A2M):

The role and responsibility of the Business Development Service Provider will be to support and advise Trade Support Institutions (TSIs) to become aware of and support the implementation of recommended measures for an increased gender-responsiveness of their services.

Activities:

All below activities will be in collaboration with the institutional consultant. The institutional consultant is hired at the start of the implementation of the project and is overseeing all the 4 pilots. For this specific pilot (A2M), the institutional consultant shall oversee and lead the implementation and evaluation of the activities.

- Support leadership alignment and awareness workshop for interested TSIs targeting their senior leadership ;
- Support the identification and selection of interested TSIs that want to improve their services to be gender responsive ;
- Contribute to the needs assessment of TSIs and support the evaluation of existing business development support services offered by TSIs to identify gender gaps in their service ;
- Work with CBI project team to develop a tailor-made gender-responsive training and coaching program for the TSIs ;
- Support the development of a strategy and work plan template for TSIs ;
- Develop a coaching plan to the specific needs of the TSIs using the framework/template ;
- Provide intensive coaching to TSIs on implementing the framework ;
- Provide capacity building and technical support to TSI entity and staff to help them implement the recommended measures for increased gender responsiveness of their services ;
- Organise the identification and facilitation of women entrepreneurs who will test the gender responsiveness of selected TSI's BDS services before and after the proposed interventions ;
- Evaluate the effectiveness of the interventions and make recommendations for improvement ;
- Develop manual of new TSI's standard operating procedures in relation to BDS that are gender responsive ;
- Submit a post intervention report with lessons learned and recommendations ;
- Propose key performance indicators for measurement during and after implementation of the interventions ;
- Support continuous communication and engagement of TSI's senior leadership on the progress of the intervention.

2.6 Planning

The planning for the Contractor's activities in the project will depend on the needs of the project, the needs of CBI staff and the needs of the companies and external conditions. Please refer to the description of the roles above for a general outline. CBI wants to decrease its environmental

footprint and has a “digital first” and “local first” strategy, which means that activities must be done as much as possible through digital means and/or road transport. Decisions on allocation of activities and topics will be taken by the CBI Programme Manager.

2.7 Role of the Contractor within the project team

The Contractor carries out his/her work under the direct responsibility of the respective CBI Programme Manager(s) in The Hague, who is/are in charge of the overall management, monitoring, budget and results of the project. The Contractor is required to work within a larger team of local and international external experts and service providers, contracted by CBI for specific project activities, as well as with CBI staff (in particular the in The Hague based Programme Manager(s) and Project Officers) and staff and experts of other development partner organisations (donors and the like). **Depending on the needs of the project, other external experts and other service providers, besides those under this tender, will be contracted by CBI.**

2.8 Lots

The invitation to tender has been divided into two lots (see table below). By using a mechanism of a general framework agreement and further agreements for specific assignments, it is possible to plan the activities in line with the development of the project and to specify the exact scope at the moment that an expert is needed. Per lot we indicate the number of Contracts (Framework Agreements) we plan to enter into/close.

Individual tenderers and firms may submit proposals for more than one lot and can win more lots (if the labour capacity is available) and therefore can be awarded more Contracts from this tender.

Lot	Number of Contracts (Framework Agreements)
Lot 1 - Financial Development Service Provider (for pilot 1)	1
Lot 2 - Business Development Service Provider (for pilot 2)	1

2.9 Contract Period

The Tendering authority intends to conclude a Contract for both lots for the duration of 29 months, including two unilateral options for the Contracting Authority to extend the contract by twelve months. The total duration of the Contract is therefore maximum 53 months, including extension options. The Contracting Authority applies a maximum Contract Period of 53 months because this is the maximum duration of the CBI project in Kenya and it is important for continuity of the project and the cooperative relationship between the participating companies and organizations and the Contractor that the Contractor remains the same throughout the duration of the program. The expectation is that the project will end in October 2026.

2.10 Contract value

The Tendering Authority has estimated a contract value (including optional extension years) of:

Lot	Estimated contract value (exclusive of Dutch VAT and inclusive of local VAT and other costs)	Maximum contract value (exclusive of Dutch VAT and inclusive of local VAT and other costs)
1 - Financial Development Service Provider	Total EUR 400,000	Total EUR 480,000, <i>including EUR 80,000 for unforeseen additional activities</i>

2 - Business Development Service Provider	Total EUR 300,000	Total EUR 360,000, <i>including EUR 60,000 for unforeseen additional activities</i>
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For each lot an additional budget (lot 1: EUR 80,000; lot 2: EUR 60,000) is reserved in case due to advancing insight, additional activities are required to successfully complete the assignment. These additional budgets constitute the difference between the estimated contract value and the maximum contract value. Although CBI expects that the additional budgets will not be necessary, they want to ensure that the financial limit of the Framework Agreements is not reached before the end of the project.

Please note: the maximum Contract values are not a guarantee. The assignment will be executed using further agreements with a description of the specific assignments.

The estimated value is an indication from which no rights can be derived. This Tender Document was created using up-to-date knowledge and insights valid at the time of its formulation.

If the maximum value of a lot is exceeded (or is threatened to be exceeded), the Contracting Authority has the right to unilaterally terminate the Contract for that lot without compensating the Contractor for this, in whatever form. See further in this regard the provisions in the (draft) Agreement.

Reservation on scope of Contract

It is possible that the services specified in the Contract may change in the event of political, budgetary, administrative or organisational developments within the Dutch government and the Contracting Authority's expansion or contraction resulting from this, or changes to the Contracting Authority's position within the government or to the targets that must be met. In the event such circumstances occur, the Contracting Authority will consult with the Contractor.

3. Requirements to this assignment

This section includes the requirements set by the Tendering Authority concerning the requested services and the prices and rates. Per paragraph we indicate which requirements are applicable for which lots.

By submitting a Tender, you as Tenderer, explicitly consent to all requirements and conditions specified in this Tender document and declare that you will continue to comply with these throughout the entirety of the contract period. Furthermore, you confirm that you will comply with all of the specified prices and rates, including any agreed indexation. Failure to comply with one or more requirements will result in your Tender being disqualified from the assessment process and therefore excluded from the tendering process.

Requirements regarding specific work experience or language skills (paragraph 3.1 to 3.3) as well as the award criteria (paragraph 5.2.1.3 to 5.2.2.4) will be reviewed/assessed against the key experts' CVs. You need to include a concise CV (of no more than 3 pages A4 per expert role) of each key expert that will take part in this assignment, in your Tender (paragraph 7.3.15).

Please be aware: if you use more than 3 pages A4 (per expert role), the extra pages will not be taken into account for the review/assessment.

The below mentioned requirements apply to both lots or to specific lots when specified otherwise.

3.1 General requirements (for both lots)

3.1.1	Contractor acts fully independent and without any conflict of interest as a representative of CBI in Kenya. This entails, among others, that Contractor should not be directly or indirectly contracted or employed by (or own) a women's organisation or exporting business in Kenya.
3.1.2	Contractor communicates in the English and Swahili languages, both spoken & written, effectively and at C1 level (see https://www.efset.org/cefr/c1/ for an explanation of this language level).
3.1.3	Contractor is able to reach Nairobi within a maximum of 4 hours' travel time.
3.1.4	Contractor acts with intercultural sensitivity. <i>For this requirement, the CVs of the experts you will use for this assignment will be assessed on whether you have sufficient experience in environments where intercultural sensitivity was required. Therefore, make sure the relevant context is clearly reflected in the CVs.</i>
3.1.5	Contractor acts with political awareness and sensitivity. <i>For this requirement, the CVs of the experts you will use for this assignment will be assessed on whether you have sufficient experience in environments where political awareness and sensitivity were required. Therefore, make sure the relevant context is clearly reflected in the CVs.</i>
3.1.6	Contractor works and cooperates effectively under changing conditions and in changing team compositions.
3.1.7	Contractor reports and communicates clearly and effectively on activities, results and project progress.

3.1.8	Contractor has at least two years of experience within the last five years in coaching by using distant guidance techniques like e-mail and online tools like Teams, Skype, GoToWebinar, Zoom, WebEx, Teams for both individual meetings and for group coaching. <i>For this requirement, the CVs of the experts you will use for this assignment will be assessed on whether you have the required experience. Therefore, make sure the relevant context is clearly reflected in the CVs.</i>
3.1.9	Contractor has at least 40 hours of experience during the last three years with conducting trainings and workshops in the English language on location. <i>For this requirement, the CVs of the experts you will use for this assignment will be assessed on whether you have the required experience. Therefore, make sure the relevant context is clearly reflected in the CVs.</i>
3.1.10	Contractor is in control of the projects it manages in the context of this assignment. The Contractor plans, coordinates, and reports on the projects accordingly.
3.1.11	Contractor identifies what needs to be done for a successful completion of the assignment and acts on this effectively without constant guidance of CBI.
3.1.12	Contractor effectively conducts meetings.
3.1.13	Contractor has knowledge of gender equality, gender mainstreaming, women's work and employment, and gender relations in organisational settings. <i>For this requirement, the CVs of the experts you will use for this assignment will be assessed on whether you have the required knowledge. Therefore, make sure the relevant context is clearly reflected in the CVs.</i>
3.1.14	Contractor is familiar with the basics of the Market Systems Development (MSD) approach.
3.1.15	Tenderer will present their tender during a verification session (paragraph 7.3.23) via Microsoft Teams on 10 April 2024 (<i>and 15 April 2024 as fallback option</i>). The presentation is done by the lead consultant who will actually execute the assignment. The tenderer is permitted to have specialist subjects presented by another expert but in that case this expert must also actually be responsible for the execution of that specialist part of the assignment. Tenderer shall ensure that the relevant experts are available on 10 and 15 April 2024.
3.1.16	CBI wants to decrease its environmental footprint and has a "digital first" and "local first" strategy. This means that the Contractor performs its activities as much as possible through digital means and/or road transport.

3.2 Requirements relating to lot 1 – Financial Development Service Provider

3.2.1	Contractor has at least five years of experience in financial advice/training, business development or receivership. <i>For this requirement, the CVs of the experts you will use for this assignment will be assessed on whether you have the required experience. Therefore, make sure the relevant context is clearly reflected in the CVs.</i>
3.2.2	Contractor has at least one year of experience with supporting women entrepreneurs with accessing finance.

	<i>For this requirement, the CVs of the experts you will use for this assignment will be assessed on whether you have the required experience. Therefore, make sure the relevant context is clearly reflected in the CVs.</i>
3.2.4	Contractor has at least one year of experience engaging with banks and other financing or funding providers in Kenya. <i>For this requirement, the CVs of the experts you will use for this assignment will be assessed on whether you have the required experience. Therefore, make sure the relevant context is clearly reflected in the CVs.</i>
3.2.5	Contractor has a network of financial service providers that are serving the SME segment in Kenya.
3.2.6	Contractor has at least one year of experience in supporting SMEs in raising finance from providers, diaspora, peers, or banks, or investment from fund managers. <i>For this requirement, the CVs of the experts you will use for this assignment will be assessed on whether you have the required experience. Therefore, make sure the relevant context is clearly reflected in the CVs.</i>
3.2.7	Contractor has knowledge of export sectors with high representation of women entrepreneurs, risks, market dynamics and buyer requirements. <i>For this requirement, the CVs of the experts you will use for this assignment will be assessed on whether you have the required knowledge. Therefore, make sure the relevant context is clearly reflected in the CVs.</i>

3.3 Requirements relating to lot 2 – Business Development Service Provider

3.3.1	Contractor has at least three years of experience in working with or supporting public and/or private Trade Support Institutions (TSIs) and business associations. <i>For this requirement, the CVs of the experts you will use for this assignment will be assessed on whether you have the required experience. Therefore, make sure the relevant context is clearly reflected in the CVs.</i>
3.3.2	Contractor has at least one year of experience in capacity building, technical support, and intensive coaching for government or private institutions on gender responsiveness and working with women entrepreneurs. <i>For this requirement, the CVs of the experts you will use for this assignment will be assessed on whether you have the required experience. Therefore, make sure the relevant context is clearly reflected in the CVs.</i>
3.3.3	Contractor has an understanding of the business development needs of women entrepreneurs in the export sector.
3.3.4	Contractor conducts a needs assessment and diagnosis of gender responsiveness of service provision effectively.
3.3.6	Contractor has at least one year of experience in the international trade process in Kenya and understanding of the relevant key processes, documents, and entities. <i>For this requirement, the CVs of the experts you will use for this assignment will be assessed on whether you have the required experience. Therefore, make sure the relevant context is clearly reflected in the CVs.</i>
3.3.7	Contractor has knowledge of gender aspects in relation to trade.

	<i>For this requirement, the CVs of the experts you will use for this assignment will be assessed on whether you have the required knowledge. Therefore, make sure the relevant context is clearly reflected in the CVs.</i>
3.3.8	Contractor has knowledge of export coaching. <i>For this requirement, the CVs of the experts you will use for this assignment will be assessed on whether you have the required knowledge. Therefore, make sure the relevant context is clearly reflected in the CVs.</i>
3.3.9	Contractor has knowledge of business process reengineering. <i>For this requirement, the CVs of the experts you will use for this assignment will be assessed on whether you have the required knowledge. Therefore, make sure the relevant context is clearly reflected in the CVs.</i>
3.3.10	Contractor has knowledge of change management. <i>For this requirement, the CVs of the experts you will use for this assignment will be assessed on whether you have the required knowledge. Therefore, make sure the relevant context is clearly reflected in the CVs.</i>

3.4 Requirements relating to the prices/rates

3.4.1	The Tenderer will provide the rate applicable to this assignment by filling in annex 2 'Rates'.
3.4.2	The rates must be in euro's (EUR) and all inclusive. In any event, they must include all of the following: wage costs, overheads (e.g. accommodation and wage costs for support staff), costs relating to the use of equipment and machinery during the assignment, insurance costs, any applicable costs for e-invoicing, and local travel and accommodation expenses.
3.4.3	The agreed rates are fixed at least until 1 January 2026. Requests for indexation can be submitted only once a year, exclusively in the month of October. Before and after this month requests for indexation for the upcoming year will not be considered. Requests for indexation must be sent to the following email address: contractmanagement@RVO.nl. Prices and rates may be adjusted in line with the price index published by Statistics Netherlands for hourly rates of pay, including special remuneration established under collective labour agreements, in the business services sector. For this purpose, the figure for the preceding month October will be used, with the index for June 2024 (the starting date of the contract) being set at 100%. Contractor must submit a specified request for indexation together with a print of the information form Statistics Netherlands and make reference to the Contract with Contracting Authority concert. The request will contain the old prices/rates versus the new prices and rates. Upon receipt of the request Contracting Authority will send a confirmation to the Contractor if the request is granted.
3.4.4	In case your company is not located in Kenya, you may, when carrying out assignments in Kenya, invoice local expenses according the flat rates on the UN-DSA list. Accommodation and local travel expenses may be invoiced following at the applicable Daily Subsistence Allowance (DSA) flat rates published by the International Civil Service Commission of the UN (https://icsc.un.org/). This list is updated on a regular basis. DSA is <u>NOT</u> applicable for consultants living in Kenya.
3.4.5	The rates of Further Agreements already provided on the basis of the Framework Agreement are not indexed.

3.4.6	The Tenderer will not submit any zero or negative rates.
3.4.7	The maximum daily rate that can be submitted with the Tender is EUR 700 exclusive of Dutch VAT and inclusive of local VAT and other costs.
3.4.8	The Tenderer will invoice retrospectively based on actual costs and the in the Further Agreement specified daily rate.

3.5 Tax-related requirements

3.5.1	The Tenderer indemnifies the Contracting Authority against any claims from the Dutch Tax and Customs Administration (<i>Belastingdienst</i>) or other tax authorities.
3.5.2	The Tenderer will quote the prices for the Further Agreements according to the following structure: • the amount excluding Dutch VAT and any VAT due outside the EU; • the amount of Dutch VAT due (if applicable) and the amount of any VAT due outside the EU, and; • the amount including Dutch VAT (if applicable) and any VAT due outside the EU.
3.5.3	If the Tenderer indicates that no VAT is applicable, then he agrees to provide documentary proof of the grounds for this to the Contracting Authority within fifteen calendar days of the request to do so.
3.5.4	You are liable for any extra costs for Dutch and/or foreign VAT due if you incorrectly charge no VAT or an incorrect amount of VAT to the Contracting Authority. If applicable, you are liable for accurate payment of VAT in the Netherlands and outside the EU, with the exception of the case stipulated in the following sentence. If the Contracting Authority procures a service from a foreign business and Dutch tax law considers the work to have been performed in the Netherlands, then the Contracting Authority is liable for the payment of VAT to the Dutch Tax and Customs Administration for this/these service(s) performed in the Netherlands.
3.5.5	You guarantee that the amounts specified in the quotation are inclusive of all taxes and levies (including amounts considered equivalent to taxes or levies), regardless of their description and wherever in the world they may have been levied.
3.5.6	You indemnify the Contracting Authority against any claims from any tax authority for any taxes, levies or contributions considered equivalent to taxes or levies, originating from either the Netherlands or outside the Netherlands.
3.5.7	Given the nature of this assignment, which includes development cooperation that exclusively benefits a developing country, a VAT rate of 0% applies to the amount specified on the quotation provided the Contractor is established in the Netherlands and his organisation is registered as an entrepreneur for VAT purposes. For extra certainty in this matter , you can request a declaration of exemption from VAT from the tax inspector. More information on this matter can be found within the decree issued by the Ministry of Finance on 21 September 2015 (no. BLKB/2015/76M). If you submit a statement from the tax inspector within 60 days of the award of the Contract that specifies that a different VAT rate applies, then the contract price will be increased to include the applicable VAT rate. You are liable for any costs (extra or otherwise) in the event that you incorrectly charge no VAT or an incorrect amount of VAT to the Contracting Authority.

3.5.8	It is not allowed to charge Netherlands VAT over this amount if the registered office of the contractor is outside The Netherlands. RVO pays the Netherlands VAT to the Netherlands tax authority.
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3.6 Invoicing requirements

3.6.1	Contractor will invoice based on actual costs and the in the Further Agreement specified daily rate.
3.6.2	The payment schedule will be agreed upon in the Further Agreement.
3.6.3	Invoices must include a summary of the actual hours/days worked in accordance with the applicable rates.
3.6.4	<u>For companies established in the Netherlands E-invoicing is mandatory</u> <i>E-invoicing</i> The general terms and conditions that apply to this contract contain a provision that invoices must be sent electronically (not in pdf). This can be done in 4 different ways: • The invoicing portal of the Dutch government • Link with Digipoort • E-invoicing with your own (accounting) software package through Simpler invoicing • E-invoicing through a service provider. For more information visit: E-invoicing the Dutch central government: information for suppliers Helpdesk e-factureren (helpdesk-efactureren.nl). <u>For companies not established in the Netherlands E-invoicing does not apply</u> The E-invoicing obligation does not apply to companies located outside of the Netherlands. Non-Dutch companies can send their invoices in PDF format by email what will be made clear in the further agreement.

3.7 Travel policy

3.7.1	International flight tickets and hotel must be booked by the consultant itself and can only be reimbursed if valid receipts are added to the invoice.
3.7.2	All flight tickets will be economy class. As for certain reasons (e.g. health) the CBI Programme Manager may give permission to fly Business Class when requested. However, in this case the amount to be reimbursed will be that of the price of an Economy Class ticket at the time of booking.

4. Requirements concerning the Tenderer

4.1 Introduction

In this section, you can find the requirements set by the Tendering Authority to determine whether particular Tenderers are suitable to be awarded the Contract. For this purpose, Exclusion Grounds and Suitability Requirements have been set.

You can indicate whether or not the Exclusion Grounds apply to you and whether or not you are in compliance with the Suitability Requirements by completing the 'European Single Procurement Document'.

The 'European Single Procurement Document' is a PDF file that has been partially filled in for you. You must fill in the rest of the form, print it, legally sign it, scan it and submit it together with your Tender via TenderNed (see paragraph 7.3.15).

4.2 Exclusion Grounds

The following Exclusion Grounds are specified in the annex 'European Single Procurement Document':

- all Exclusion Grounds specified in Part III A and B;
- the Exclusion Grounds in Part III C of the 'European Single Procurement Document' that have been selected by the Tendering Authority by means of the tick boxes.

See Section 7 for information on how to submit a Tender in collaboration with other organisations. This section specifies who must provide a completed and signed European Single Procurement Document during the process of submitting a Tender.

The evidence relating to the Exclusion Grounds does not have to be submitted together with the Tender: it is only required once the Tendering Authority requests it.

Please note: The process of applying for a GVA (certificate of conduct) can take several weeks.

For information on types of evidence, see Section 2.89 of the Public Procurement Act.
<http://wetten.overheid.nl/BWBR0032203/2016-07-01>

The evidence consists of:

1. Extract of Trade Register (no older than 6 months see §4.3)
2. 'Certificate of Conduct for procurement' ('Gedragsverklaring Aanbesteden' -no older than 2 years)
3. Tax statement (no older than 6 months)

The Tendering Authority, to which a Tenderer submits data in order to prove that the exclusion grounds referred to in Article 2.86 or Article 2.87 do not apply to the Tenderer, also accepts data and documents from another Member State, from the country of origin of the Tenderer or from the country where the Tenderer is established, that serve an equivalent purpose or that show that the exclusion ground does not apply to Tenderer.

Please refer to <https://ec.europa.eu/tools/ecertis/search>

eCertis is the information system that helps you identify different certificates requested in procurement procedures across the EU.

4.3 Suitability Requirements

The purpose of the Suitability Requirements is to assess whether the Tenderer is suitable to fulfil the Contract in the opinion of the Tendering Authority.

By signing the annex 'European Single Procurement Document' (which uses the term 'Selection Criteria' to refer to the Suitability Requirements), the Tenderer declares that he complies with the Suitability Requirements as specified in this subsection of the Tender document. These Suitability Requirements are further specified in the subsequent paragraphs in this section.

4.3.1 Financial and economic standing

By signing the 'European Single Procurement Document', the Tenderer declares:

- a. That he possesses sufficient financial and economic capacity to fulfil the contractual obligations.
- b. That the Tenderer is unaware of any possible claims against him that may compromise his organisation's financial-economic capacity or continuity, and that no investment is required during the Contract period that may have a similar compromising effect.
- c. That the Tenderer has a sufficient level of professional and/or statutory liability insurance for the fulfilment of the assignment and that in the event of the Contract being awarded to him, will remain sufficiently insured throughout the duration of the assignment(s).

Evidence (do not submit together with the Tender – only submit it when requested to do so):

Proof of the economic operator's economic and financial standing may, as a general rule, be furnished by one or more of the following references:

- a. appropriate statements from banks or, where appropriate, evidence of relevant professional risk indemnity insurance;
- b. the presentation of financial statements or extracts from the financial statements, where publication of financial statements is required under the law of the country in which the economic operator is established;
- c. a statement of the undertaking's overall turnover and, where appropriate, of turnover in the area covered by the contract for a maximum of the last three financial years available, depending on the date on which the undertaking was set up or the economic operator started trading, as far as the information on these turnovers is available.

If the data of the Tenderer's parent/holding company is used in relation to the aspect of financial-economic capacity, then the Tenderer must provide a statement from the parent/holding company that specifies that the parent/holding company unconditionally acts as a guarantor for the obligations to be undertaken by the subsidiary company and any debts arising from the Contract incurred by the subsidiary company. The statement by the parent/holding company must be signed by a legally authorised representative.

4.3.2 Reference data (technical qualifications)

The Tendering Authority has set the following core competences, which demonstrate experience with essential aspects of the assignment:

Lot 1 - Financial Development Service Provider

1.	Organising and facilitating access to finance support for women entrepreneurs in East Africa.
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Lot 2 - Business Development Service Provider

1.	Working with women entrepreneurs in East Africa that have the potential to export or are already exporting.
2.	Working with service providers that offering services to entrepreneurs in East Africa and successfully influencing them in improving their services.

By signing the 'European Single Procurement Document', the Tenderer declares that he has carried out at least one reference assignment for each of the core competences listed above that meets the following minimum requirements:

- The subject of the reference assignment must be comparable to the core competence in question.
- The reference assignment must have been executed or completed within the three years prior to the closing date for the submission of tenders. If the Tenderer uses an assignment that is not yet fully complete, then only the completed results of the ongoing assignment can be submitted for reference purposes: projected results cannot be taken into consideration.
- The total value of the reference assignment must be at least EUR 25,000. This reference-assignment value must exclusively consist of the value of the aspects of the assignment that are equivalent to the services specified in this document. In case a series of separate yet significantly comparable assignments was carried out for the same client during the reference period, then the turnover of these separate assignments can be combined into a cumulative total.

Assignments including one or more subcontractors can only be used as reference assignments if the subcontractor(s) in question will be involved in the fulfilment of the Contract and if the Tenderer can and will make use of the knowledge and experience of the subcontractor(s) in question during the fulfilment of the assignment.

Evidence (do not submit together with the Tender – only submit when requested by the Tendering Authority):

You may not provide more than one reference for each core competence. If a single reference testifies to multiple competences that comply with the applicable requirements, then you can use the same reference for these different core competences.

If required, the Tendering Authority reserves the right to check the accuracy and completeness of the references and to contact one or more of the reference parties without the Tenderer's involvement or permission.

4.3.3 Professional/trade register extract

The Tendering Authority expects the Tenderer to be authorised to practise his trade. For this reason, the Tendering Authority reserves the right to ask the Tenderer to demonstrate that he is registered in the professional register or in the trade register referred to in Annex XI of EU Directive 2014/24/EU in accordance with the regulations applicable in the country in which he is established.

It is also vital that the signed documents included in the Tender have been signed by a legally authorised representative of the Tenderer. For this reason, the Tendering Authority can also ask the Tenderer who is awarded the contract to demonstrate the legal validity of the signature.

Evidence (do not submit together with the Tender – only submit when requested by the Tendering Authority).

In order to establish the legal validity of the signed statements, declarations and other evidence, it is vital that a recent and up-to-date (**max. six months old**, counted from the time of submission of the Tender) extract from the professional register or trade register is provided in compliance with the provisions stipulated in Section 2.98 of the Public Procurement Act. The extract must demonstrate the legal authorisation of the signatory.

If the signatory of the statements, declarations and other evidence is not featured on the extract, then authorisation of the signatory must be provided by one of the parties featured on the extract, in the form of a statement declaring that the signatory was authorised to legally bind the Tenderer at the time that he signed the documents.

In the event that the Tender involves a collaboration (consortium), then every member of this collaboration must provide the aforementioned evidence separately.

5. Award criteria and assessment

5.1 Introduction

This Section concerns the award criteria. The Tenders are assessed based on the award criteria. Your response to the award criteria must be included in your Tender. In your response, you must take into account the requirements set in Section 3.

The assessment consists of 3 steps.

1. A maximum of **90 points** can be obtained for your response to the quality award criteria as described in 5.2.1.1 up to and including 5.2.1.4 for lot 1 and 5.2.2.1 up to and including 5.2.2.4 for lot 2. For both lots, the Tenderer must score at least 'Average' for each quality award criterion (i.e. 50% of the maximum points available for that criterion). If a quality award criterion is valued with a lower score than 50% of the maximum points available, the Tender is set aside and excluded from further participation in the tendering process and will not be further assessed on the prices/rates.
2. Assessment of the price (daily rate) with a maximum of **10 points** per lot. If the daily rate is higher than € 700.- excl. VAT the Tender is set aside and excluded from further participation in the tendering process.
3. The maximum total points that can be obtained per lot is **100 points**.

5.2 Quality award criteria

The table below summarises the quality award criteria per lot.

Lot 1 – Financial development service provider		Max. points available
5.2.1.1	Mitigation of the obstacles that women entrepreneurs encounter in accessing finance in Kenya	30
5.2.1.2	Coaching Kenyan women entrepreneurs in submitting loan applications and improving financial management skills	30
5.2.1.3	Knowledge and experience of the team members	15
5.2.1.4	Working with financial service providers in improving their services towards women entrepreneurs in Kenya.	15
Lot 2 – Business development service provider		
5.2.2.1	Supporting (existing and potential) service providers regarding gender responsive service delivery for women's economic empowerment	30
5.2.2.2	Building capacity to staff to implement recommended measures for increased gender-responsiveness of their export related services in Kenya	30
5.2.2.3	Working with Kenyan government parties in improving their export related services	15
5.2.2.4	Knowledge and experience of the team members	15

The quality award criteria are assessed integrally using all aspects under 'Assessment basis' together.

5.2.1 Lot 1 – Financial Development Service Provider

5.2.1.1 Mitigation of the obstacles that women entrepreneurs encounter in accessing finance in Kenya

Max. 30 points available	Assessment aspects:
	The Contractor is required to organize and facilitate business development support training and/or workshops towards Kenyan women entrepreneurs to improve their business processes and access to finances. Describe in a concise manner: - the obstacles you see for women entrepreneurs in accessing finance in Kenya; - your plan of action in organizing training and workshops to mitigate these obstacles for women entrepreneurs. Your answer should not exceed 4 pages A4. Be aware: if you use more than 4 pages, the exceeding pages will not be taken into account for the assessment. <i>Assessment basis (integrally assessed):</i> - The extent to which you give a concrete, specific, complete and substantiated overview of the possible obstacles; - The extent to which you convincingly and substantiated mitigate these obstacles; - The extent to which your answer aligns to the objective of this assignment.

5.2.1.2 Coaching Kenyan women entrepreneurs in submitting loan applications and improving financial management skills

Max. 30 points available	Assessment aspects:
	The Contractor is required to coach Kenyan women entrepreneurs in submitting loan applications and improving financial management skills. Describe in a concise manner: - what your approach would be on coaching women entrepreneurs in financial management, e.g. reviewing business practices and financial accounts against sector norms and advising/coaching on improving cash flow and business practices; - what obstacles you expect to encounter and how you would mitigate and try to solve them; - how you would organise the coaching support; - how you make sure that both the needs of the Kenyan women entrepreneurs and the financing providers are met. Your answer should not exceed 4 pages A4. Be aware: if you use more than 4 pages, the exceeding pages will not be taken into account for the assessment. <i>Assessment basis (integrally assessed):</i> - The extent to which your approach on coaching women entrepreneurs on financial management is convincing and substantiated; - The extent to which you give a concrete, specific, complete and substantiated overview of the possible obstacles and the mitigating measures; - The extent to which your answer aligns to the objective of this assignment.

5.2.1.3 Knowledge and experience of the team members

Max. 15 points available	Assessment aspects:
	The Contractor is required to provide experts who are suited to execute the roles as described in this tender document (paragraph 2.5). For this criterion you provide a CV for each proposed expert that includes their individual knowledge and experience in relation to the range of tasks involved and the required qualifications. For each expert you must clearly motivate their role in the context of this assignment. In addition please specify where the experts are based and how long it will take them to get to Nairobi. The CVs must clearly show the position and the tasks performed by the proposed expert and for how long. The CVs should not exceed 3 pages A4 per CV. Be aware: if you use more than 3 pages, the exceeding pages will not be taken into account for the assessment. <i>Assessment basis (integrally assessed):</i> - The extent to which the knowledge and experience level of the experts aligns to the objective of this assignment; - The extent to which the knowledge and experience of the experts is concrete, specific, complete, and substantiated; - The extent to which the experts have experience in Kenya; - The extent to which the experts can be in Nairobi on an ad hoc basis within 4 hours.

5.2.1.4 Working with financial service providers in improving their services towards women entrepreneurs in Kenya.

Max. 15 points available	Assessment aspects
	The Contractor is required to work with financial service providers in improving their services towards women entrepreneurs in Kenya. Describe in a concise manner: - what your approach would be on working with financing providers (e.g. banks) in Kenya regarding developing new and improving existing business development support service delivery towards women entrepreneurs with the aim to make them more gender responsive; - what approach you would take to engage financing providers by showing the potential success of the pilot in order for them to adopt the approach and create a commercially viable service delivery; - what steps you would take to scale the pilot towards other financing providers; - what obstacles you expect to encounter and how you would solve them. Your answer should not exceed 3 pages A4. Be aware: if you use more than 3 pages, the exceeding pages will not be taken into account for the assessment. <i>Assessment basis (integrally assessed):</i> - The extent to which your approach convincingly and substantiated improves their ability to develop sustainable service delivery models; - The extent to which you give a concrete, specific, complete and substantiated overview of the possible obstacles and the mitigating measures; - The extent to which your answer aligns to the objective of this assignment.

5.2.2 Lot 2 – Business Development Service Provider

5.2.2.1 Supporting (existing and potential) service providers regarding gender responsive service delivery for women's economic empowerment.

Max. 30 points available	Assessment aspects:
	One of the objectives of this assignment is to make service providers in Kenya more gender responsive so that more women entrepreneurs can make better and more effective use of their export related services. Describe in a concise manner: - what your approach would be on supporting service providers in Kenya regarding developing new and improving existing business development support service delivery related to export; - how you would approach the needs assessment to identify the gender gaps in the service delivery; - what challenges you foresee and how you would solve or mitigate those challenges. Your answer should not exceed 4 pages A4. Be aware: if you use more than 4 pages, the exceeding pages will not be taken into account for the assessment. <i>Assessment basis (integrally assessed):</i> - The extent to which your approach convincingly and substantiated would improve the gender responsiveness of the service providers; - The extent to which you give a concrete, specific, complete and substantiated overview of the possible obstacles and the mitigating measures; - The extent to which your answer aligns to the objectives of this assignment.

5.2.2.2 Building capacity to staff to implement recommended measures for increased gender-responsiveness of their export related services in Kenya

Max. 30 points available	Assessment aspects:
	One of the objectives of this assignment is that service providers' staff embraces and implements their improved export related services to serve the needs of women entrepreneurs better. Describe in a concise manner: - what your approach would be on building capacity of staff and provision of technical support to implement recommended measures for increased gender-responsiveness of their export related services in Kenya; - how you make sure that all staff are aligned and that they support the improved services; - what challenges you foresee and how you would solve or mitigate those challenges. Your answer should not exceed 4 pages A4. Be aware: if you use more than 4 pages, the exceeding pages will not be taken into account for the assessment. <i>Assessment basis (integrally assessed):</i> - The extent to which your approach convincingly and substantiated would improve the staff's embracing of the improved services; - The extent to which you give a concrete, specific, complete and substantiated overview of the possible challenges and the mitigating measures; - The extent to which your answer aligns to the objectives of this assignment.

5.2.2.3 Working with Kenyan government parties in improving their export related services

Max. 15 points available	Assessment aspects
	The Contractor is required to support local government parties in assessing and improving their export related services. Describe in a concise manner: - what your approach would be on working with (local) government parties in Kenya on assessing and improving their export related services to become more gender-responsive; - what challenges you foresee, how you would solve or mitigate those challenges, and what critical success factors you find relevant. Your answer should not exceed 3 pages A4. Be aware: if you use more than 3 pages, the exceeding pages will not be taken into account for the assessment. <i>Assessment basis (integrally assessed):</i> - The extent to which your approach convincingly and substantiated would support local government parties in assessing and improving their services; - The extent to which you give a concrete, specific, complete and substantiated overview of the possible challenges and the mitigating measures; - The extent to which your answer aligns to the objective of this assignment.

5.2.2.4 Knowledge and experience of the team members

Max. 15 points available	Assessment aspects:
	The Contractor is required to provide experts who are suited to execute the roles as described in this tender document (paragraph 2.5). For this criterion you provide a CV for each proposed expert that includes their individual knowledge and experience in relation to the range of tasks involved and the required qualifications. For each expert you must clearly motivate their role in the context of this assignment. In addition please specify where the experts are based and how long they it will take them to get to Nairobi. The CVs must clearly show the position and the tasks performed by the proposed expert and for how long. The CVs should not exceed 3 pages A4 per CV. Be aware: if you use more than 3 pages, the exceeding pages will not be taken into account for the assessment. <i>Assessment basis (integrally assessed):</i> - The extent to which the knowledge and experience level of the experts aligns to the objective of this assignment; - The extent to which the knowledge and experience of the experts is concrete, specific, complete, and substantiated; - The extent to which the experts have experience in Kenya. - The extent the expert can be in Nairobi on an ad hoc basis within 4 hours.

5.3 Assessment method for qualitative award criteria

During the assessment, the assessment team will work in accordance with the following scale for the weighting of the quality criteria.

Quality of the response	Weighting percentage of the maximum points available per preference
Excellent, with great added value	100%
Very good, with some added value	90%
Good	80%
Ample	70%
Satisfactory	60%
Average	50%
Fair, not completely satisfactory	40%
Unsatisfactory	30%
Poor, insufficient	20%
Very poor, insufficient	10%
No response provided	Exclusion from the tender

5.3.1 Verification and consensus

First each assessor will assess all the quality award criteria individually. Next each Tenderer presents its tender to the assessors during a verification session (paragraph 7.3.23; 10 April 2024 [and 15 April 2024 as fallback option] via Microsoft Teams). After the presentations each individual assessor is allowed to adjust his scores based on the presentations. Finally the assessors will meet for a consensus session in which they determine the definitive scores and winner per lot.

5.4 Assessment of the price (daily rate)

The table below shows how many points you get awarded per tier daily rate.

Price	Awarded Points
more than EUR 700	Exclusion from the tender process
EUR 691 up to 700	0
EUR 681 up to 690	1
EUR 671 up to 680	2
EUR 661 up to 670	3
EUR 651 up to 660	4
EUR 641 up to 650	5
EUR 631 up to 640	6
EUR 621 up to 630	7
EUR 611 up to 620	8
EUR 601 up to 610	9
EUR 600 or less	10

6. Assessment of the Tender

6.1 Assessment of the Tender's completeness and legal validity

The Tender will be assessed according to the following procedure. The Tendering Authority will check whether:

1. all required documents have been provided (see the checklist in the subsection 'Structure and content of the Tender' in Section 7);
2. the information is correct and complete, and no adjustments have been made to the documents provided by the Tendering Authority;
3. no provisos have been made by the Tenderer (e.g. specifying that the Tenderer's own terms and conditions apply);
4. the 'European Single Procurement Document' has been completed in full and has been legally signed.

In the event that the aforementioned requirements have not been complied with, the Tender will be excluded from assessment and further participation in the tendering process, unless rectification is permitted within the boundaries of public procurement legislation.

6.2 Assessment of requirements relating to the assignment

Subsequently, the Tender's compliance with the requirements to the assignment (see Section 3) will be assessed. Any Tender that does not comply, will be excluded from further participation in the tendering process.

6.3 Assessment of award criteria relating to the assignment

Subsequently, all Tenders not excluded from the tendering process, will be assessed individually according to the award criteria stipulated in Section 5. Tenderer's proposal first will be assessed for the quality criteria 5.2.1.1 up to 5.2.1.4 for lot 1 and 5.2.2.1 up to 5.2.2.4 for lot 2. Then each Tenderer presents its tender during a verification session (paragraph 7.3.23). After the presentations each individual assessor is allowed to adjust his scores based on the presentations. Finally a consensus meeting will follow in which per lot is decided which Tenderers win tender procedure.

Note: A maximum of 90 points can be obtained for your response to the quality award criteria as described in 5.2.1.1 up to and including 5.2.1.4 for lot 1 and 5.2.2.1 up to and including 5.2.2.4 for lot 2. For both lots, the Tenderer must score at least 'Average' for each quality award criterion (i.e. 50% of the maximum points available for that criterion). If a quality award criterion is valued with a lower score than 50% of the maximum points available, the Tender is set aside and excluded from further participation in the tendering process and will not be further assessed on the prices/rates.

6.4 Determination of definitive total score

The Contract will be awarded according to the principle of the Most Economically Advantageous Tender. The Most Economically Advantageous Tender is the Tender that achieves the highest definitive total score based on the best price-quality ratio.

The Tenderer's definitive total score will be rounded to one decimal place. No scores will be rounded off until the moment that this definitive total score is determined. If two or more Tenderers have an equal definitive total score that would result in the Tendering authority having to award the Contract to more parties than is desired, then the Tendering authority will award the Contract to the Tenderer with the highest final score for the award criterion:

Lot 1: 5.2.1.2 Coaching Kenyan women entrepreneurs in submitting loan applications and improving financial management skills

Lot 2: 5.2.2.1 Supporting (existing and potential) service providers regarding gender responsive service delivery for women's economic empowerment

In the event that the highest scoring Tenderers also achieve an equal score for this award criterion, then determination of the Tenderer to which the Contract will be awarded will be made by drawing lots.

6.5 Assessment of evidence

At the moment that the Tenderer legally signs the 'European Single Procurement Document' and submits the Tender, the Tenderer is not (yet) required to provide any evidence, unless expressly asked to do so in this Tender document.

By signing the 'European Single Procurement Document' and submitting his Tender, the Tenderer agrees that at a later date, the Tendering Authority is entitled to request that the winning Tenderer provides the required evidence.

Upon awarding the Contract, the Tendering Authority will only request evidence from the winning Tenderer. The Tendering Authority is entitled to request this evidence at an earlier stage and from all Tenderers if it believes such a course of action is necessary to facilitate the progress of the tendering process.

The evidence must demonstrate that the Tenderer indeed complies with the content of both the 'European Single Procurement Document' and the Tender. Following the Tendering Authority's request to provide the evidence, the Tenderer has 15 (fifteen) calendar days to hand over the required evidence. If the Tendering Authority does not agree with the content and/or validity of one or more of the pieces of evidence provided by the winning Tenderer, then this could result in the winning Tenderer being excluded from further participation in the process. In such a case, the Tendering Authority will inform every Tenderer of this situation. The Tendering authority will then determine the next Most Economically Advantageous Tender and subsequently the award process will be conducted again.

In the event a winning Tenderer does not qualify for the definitive award of the Contract, then all Tenderers will be notified of this and the consequences thereof concerning the award of the contract.

7. Submission procedure for Tenders

7.1 Statement of agreement

By submitting a Tender, including the 'European Single Procurement Document', the Tenderer explicitly consents to all requirements and conditions stipulated in this Tender document and the Memorandum of Information and declares that he will continue to comply therewith throughout the entirety of the contract period. Furthermore, the Tenderer confirms that he will comply with all of the specified prices and rates, including any agreed indexation. Failing to comply with one or more requirements will result in his Tender being disqualified from the assessment process and therefore excluded from the tendering process.

7.2 Schedule

See schedule in Subsection 1.4.

7.3 General procedure

This tendering process will be carried out in compliance with the Public Procurement Act. In this case, the 'open procedure' was selected. An announcement thereof was published on www.tenderned.nl and on Tender European Daily (TED).

In the event that a Tender is not submitted in accordance with the provisions and regulations stipulated in this section, the Tendering Authority can set aside the Tender and exclude the Tenderer from further participation in this tender procedure.

Support in using TenderNed

The TenderNed website is unfortunately only in Dutch. The Contracting Authority understands that this makes it difficult for parties not fluent in Dutch to participate in this tender procedure. Therefore, the Contracting Authority offers Tenderers in need thereof support in using TenderNed. A Tenderer can receive support in the following tasks:

- the registration of your company or organisation in TenderNed;
- viewing and sending messages;
- down- and uploading documents;
- submitting your tender.

The costs for this support are paid by the Contracting Authority. If you would like to use this support, please send an email to services@cbi.eu. In your email, use the subject '*Tender support for WEE project Kenya*'.

Please note

The Contracting Authority emphasises that substantive advice in, for example, asking questions or improving the Tender is not part of this support and will not be paid for.

7.3.1 Communication

All communication relating to this tender procedure will be conducted via TenderNed (www.tenderned.nl), unless otherwise specified.

Once you have indicated your interest in this invitation to tender on TenderNed, you can send and receive messages about this tender process via 'My Tenders'. Any questions concerning the tender process can be sent to the Tendering Authority's contact person via TenderNed.

You will receive messages via TenderNed. Via your personal TenderNed settings, you can turn on automatic notifications, including notifications to your private email address. It is your responsibility to ensure that these emails are not blocked by your email provider's security system. If the communication cannot be conducted via TenderNed, you can contact the following contact person: Mr. Thomas van Oudheusden (thomas.vanoudheusden@rvo.nl)

Attempts to directly contact parties other than the contact person stated above in relation to this tender process are prohibited.

If you have any functional or technical questions regarding TenderNed, you can contact the TenderNed service desk on weekdays between 08:30 and 17:00 CET on 0800-8363376 or via servicedesk@tenderned.nl. You can also consult [TenderNed voor ondernemingen | TenderNed](#) or [TenderNed for foreign businesses | TenderNed](#).

7.3.2 eHerkenning

All TenderNed users affiliated with a *Dutch* company registered with the Dutch Chamber of Commerce are obliged to log in and register using eHerkenning.

This obligation does not apply to companies not registered in the Netherlands.

Visit [eHerkenning gebruiken voor TenderNed | TenderNed](#) for more information about eHerkenning, including the terms and conditions. You are responsible for any consequences arising from the failure to register with eHerkenning in a timely manner.

7.3.3 Questions and additional information/changes

During the procedure, you have the opportunity to ask questions. Ask your questions as soon as possible. All questions will be answered anonymously. The Tendering Authority can answer your questions via TenderNed in two ways:

- Via one or more Memoranda of Information.
- By means of the TenderNed 'Questions and Answers' facility.

The deadline for submission of your questions is specified in the schedule (see paragraph 1.4). In any event, all questions asked will be answered at least 10 days prior to the deadline for submission of the Tender.

Submitting a question to the Tendering Authority

Questions are to be asked via TenderNed. See [Vragen stellen in aanbesteding aan aanbestedende dienst | TenderNed](#) or [English | TenderNed](#).

All questions and answers will be published anonymously for all interested parties to view. If you have a compelling reason why you do not wish your question (and its answer) to be revealed to the other interested parties, then tick the 'Answer Individually' box. However, the Tendering Authority will decide whether or not to process your question individually.

Answers from the Tendering Authority

The Memoranda of Information are an integral part of this Tender document. The Tendering Authority assumes that all sections for which no questions have been asked have been clearly and fully understood.

Information meeting

The Tendering Authority will organise an information meeting during which you will also have the opportunity to ask questions. All Tenderers will receive confirmation of the answers. These answers are an integral part of this Tender document.

The information meeting will take place online via **Microsoft Teams 21 February 2024 at 11:00h (CET)**.

If you wish to attend the meeting, then we kindly request you to send an email to services@cbi.eu **no later than 20 February 2024 at 13:00h (CET)** to inform them of who will represent your organisation at the meeting.

7.3.4 Validity period and submission of Tender

The Tender must be valid for at least four months after the deadline for submitting the tenders. In the event that an application for a preliminary injunction is filed with the competent court in The Hague against the award decision, then the Tenderers must in any event ensure that their Tenders are valid until four weeks subsequent to the initial decision by the court.

7.3.5 Variants on Tender

Upon submitting a Tender in accordance with the Tender document, the Tenderer is not permitted to submit a variant of this Tender.

7.3.6 Costs of submitting a Tender

The Tendering Authority will not reimburse any Tenderers for any costs resulting from the drafting and submitting of a Tender, including any further information requested of the Tenderer.

Any costs or damage that (may) arise as a result of not awarding this Tender are for the account and risk of the Tenderer.

7.3.7 Termination of tendering process

Until the moment that the Contract is signed, the Tendering Authority reserves the right to partially, fully, temporarily or permanently terminate the tendering process. In such cases, Tenderers will not be entitled to receive compensation for any costs incurred by them in connection with this Tender, unless the Contracting Authority is of the opinion that a (small) contribution to the tender costs is appropriate in view of the circumstances.

7.3.8 Order of precedence of documents

In the event of inconsistencies between the Tender document and the Memorandum of Information, the Memorandum of Information takes precedence.

In the event that there are multiple Memoranda of Information, then the provisions in the most recent Memorandum of Information takes precedence in the event of inconsistencies between the different Memoranda.

7.3.9 Information about the Tenderer's obligations

The Tenderer must take into account his obligations relating to environmental, social and employment law in compliance with article 2.81 paragraph 2 of the Public Procurement Act.

Information on obligations resulting from Dutch legal provisions with regard to taxes, environmental protection, occupational health and safety and terms of employment that will be applicable to the Tenderer's activities throughout the Contract period is available from the following sources:

Information on taxes: the Dutch Tax and Customs Administration: www.belastingdienst.nl.

Provisions concerning environmental protection: the Ministry of Infrastructure and Water Management (www.rijksoverheid.nl).

Provisions pertaining to occupational health and safety and terms of employment: the Ministry of Social Affairs and Employment: www.rijksoverheid.nl.

7.3.10 Guide Information security and Privacy for suppliers

Protecting information and personal data is the top priority for the Ministry of Economic Affairs and Climate Policy (EZK). That requires significant effort from our own employees, but also from our suppliers. You can read more about it in this concise guide.

[Suppliers guide Information Security and Privacy EZK](#)

7.3.11 Inconsistencies and objections

If the Tenderer is of the opinion that the documents contain inconsistencies, errors or matters that are unclear or if the Tenderer has any objections, then the Tenderer must report this to the contact person in writing, including substantiation.

7.3.12 Complaints procedure

If a Tenderer disputes a response given by the Tendering Authority to a question, request, comment or objection from the Tenderer, or if the Tenderer receives no response, then he can submit a complaint. More detailed information on this matter can be found in the 'Complaints Procedure' annex.

7.3.13 Dispute resolution

In addition to the provisions in the 'Complaints Procedure' subsection, any dispute arising from this tendering process can be presented to the Public Procurement Experts Committee (www.commissievanaanbestedingsexperts.nl) and/or to the competent court in The Hague. Dutch law applies exclusively to such proceedings.

7.3.14 Submission of the Tender

The deadline (date and time) for submission of Tenders is stipulated in the 'Time schedule' (1.3).

- In order to submit a Tender, you must register with TenderNed. One or more registered users must be connected and authorised to submit the Tender via TenderNed on behalf of your company.

The Tendering Authority advises that you start the TenderNed registration process immediately rather than postponing it until the tendering period is coming to a close. Upon registering your organisation, you must add your tender via TenderNed's announcements platform.

- For more information on registering and establishing your organisation with TenderNed and digital submission of your Tender, visit [TenderNed gebruiken als ondernemer | TenderNed](#) or [TenderNed for foreign businesses | TenderNed](#).
- Only Tenders that have been submitted to the digital safe for this invitation to tender either prior to or on the day of the deadline (prior to the time of the deadline) will be processed by the Tendering Authority.
- The time and date as displayed on the digital countdown clock in TenderNed serves as the definitive deadline for the submission of Tenders.
- The Tendering Authority is only able to see the Tenders once the digital safe opens in TenderNed. This safe can only be opened upon expiry of the deadline for the submission of Tenders.
- In the event you have technical issues or questions regarding submission of your Tender via TenderNed, you can contact the TenderNed service desk via servicedesk@tenderned.nl or +31 (0)70-3798899. If you believe that the TenderNed service desk is taking too long to answer your question or comment, then you can contact your contact person within the Tendering Authority.
- Any risks resulting from late submission of the Tender and/or submission of an incomplete Tender is borne by the Tenderer.
- The Tendering Authority is neither responsible nor liable for any consequences resulting from a Tender that is submitted too late, incorrectly or incompletely.

The Tendering Authority will treat confidential information provided by the Tenderer with due care.

7.3.15 Structure and content of the Tender

The Tender must be submitted entirely via TenderNed and the 'European Single Procurement Document' must be legally signed.

You can use the following checklist during the submission of your quotation.

Subject	Description	Action required from tenderer
Annex 1a /1b - ESPD	European Single Procurement Document* (annex 1a for lot 1 and annex 1b for lot 2)	Fill in, legally sign and add to TenderNed
Award criteria	Per lot the answers to the quality award criteria in separate documents	Add to TenderNed

CVs	Per lot the CVs of the expert(s) that demonstrate their experience, knowledge, skills and abilities for the purpose of the requirements (paragraph 3.1 to 3.3) and the award criteria (paragraph 5.2.1.3 and 5.2.2.4)	Add to TenderNed
Annex 2a / 2b – Rates	Per lot the daily rate corresponding to your Tender.	Fill in, legally sign and add to TenderNed
Annex 5a / 5b - References	Per lot the reference(s) with which you substantiate that you have the required core competences	Fill in, legally sign and add to TenderNed

* See Subsection 7.3.16 in the event your Tender is submitted in collaboration with other companies.

7.3.16 Legally binding signature

A legally binding signature means that a document has been signed by a duly authorized representative.

If it is recorded in the professional or company register that two or more persons only have joint powers of representation, then the documents requiring a legally binding signature must be signed by those two or more persons. If any restrictions are in place regarding the authorization to represent the organization, then these must be taken into account.

Where a legally binding signature is required, the Contracting Authority accepts either an original handwritten signature, or the qualified electronic signature within the meaning of article 3: 15a of the Civil Code (or EU Regulation no. 910/2014, article 3, part 12).

Please note: it is not possible to sign the European Single Procurement Document with a qualified electronic signature immediately. You can provide the ESPD with a handwritten signature or you must make a digital PDF printout of the PDF form, after which the qualified electronic signature can be placed on this digital PDF printout.

The lack of a legally binding signature in principle will lead to exclusion from the tendering procedure. In that case, however, you will be given one single opportunity to correct it within 48 hours.

7.3.17 Submission of a Tender in collaboration with other organisations

If you cannot carry out the assignment independently, you can set up a collaboration with other organisations.

There are two ways in which you can submit a Tender in collaboration:

- 1) As a consortium in which each member of the consortium is jointly and severally liable for the fulfilment of the obligations arising from the Tender as well as the fulfilment of the Contract.
- 2) In a principal contractor-subcontractor structure in which the Contractor is liable for the fulfilment of all obligations, including the obligations that will be subcontracted.

Tendering as a consortium

If a Tender is submitted by a consortium, then:

- Every member of the consortium must fill in and legally sign a separate 'European Single Procurement Document', which also includes a specification of who the consortium members are (see Part II of the 'European Single Procurement Document'). Indicate the role each member plays within the consortium. In the 'European Single Procurement Document', you

must indicate who is in charge of the consortium (who is lead manager) and will act as its authorised representative.

- All organisations in the consortium accept joint and several liability for the fulfilment of the obligations arising from the Tender and the eventual fulfilment of the Contract. If a consortium member relies upon the capacity of another entity in order to demonstrate compliance with the applicable Suitability Requirements (see section 4 of this document), then the subcontractor(s) in question must also complete a separate 'European Single Procurement Document', filling in parts II A, II B, III and IV and legally sign it (see the information under II C in the ESPD).
- Every member of the consortium, for their part, must provide the evidence requested for the Tender.

Submitting a tender as a principal contractor together with subcontractors

If a Tender is submitted by a principal contractor that does not rely upon the capacity of any subcontractors, then only the principal contractor is required to complete and legally sign Part II D of the 'European Single Procurement Document'.

If the principal contractor does rely on the capacity of subcontractors in order to demonstrate compliance with the applicable Suitability Requirements, see section 4 of this document), then the subcontractor(s) in question must also complete a separate 'European Single Procurement Document', filling in parts II A, II B, III and IV and legally sign it (see the information under II C in the ESPD).

The subcontractor on whose capacity the principal contractor *does* rely must provide the evidence requested for the Tender.

The principal contractor is fully liable for the fulfilment of the obligations arising from the Tender as well as the fulfilment of the contract (if awarded). In addition, the principal contractor is liable for the fulfilment of the obligations for which he has hired the subcontractor(s).

All completed and legally signed 'European Single Procurement Document' forms must be added to the Tender.

7.3.18 Single Tender

All natural persons, legal entities and organisations may only submit a single Tender (either individually or in combination with other natural persons, legal entities and/or organisations). Tenderers who are mutually connected via a relationship of dependence (group link) are permitted to participate separately in this tendering procedure. However, this is on the express condition that they participate as competitors in this tendering process. For this purpose, they must demonstrate that their mutual relationship has not influenced their behaviour within the scope of this tendering procedure nor has it restricted fair competition.

By submitting a Tender, the Tenderer in question agrees to this condition.

The Tendering Authority does not consider submission of a Tender for multiple lots to constitute submission of multiple Tenders.

7.3.19 Violation of the fundamental principles of procurement law and restriction of fair competition

Any Tenderer whose actions violate a fundamental principle of procurement law (such as the equality principle), the result of which restricts or could restrict fair competition, will be excluded from this tendering procedure. This is also the case if the violation or the restriction of fair competition only comes to light after the announcement of the award of the Contract to all Tenderers. Prior to making the decision to exclude the Tenderer in question, the Tendering Authority will notify the Tenderer of this intention, at which point the Tenderer will be given the

opportunity to demonstrate to the Tendering Authority that no violation of a fundamental principle of procurement law or restriction of fair competition has taken place.

By submitting this Tender, the Tenderer declares his awareness that actions contravening any fundamental principle of procurement law can result in the aforementioned consequences. The Tendering Authority can use all resources available to him in order to identify any violation of the fundamental principles of procurement law or the restriction of fair competition. A judicial decision will not be a necessary requirement in such cases.

7.3.20 Communication and language

During the tendering process, communication with the Tendering Authority must be conducted in English.

The Tender must be submitted in English.

Additional documents (such as informational materials etc.) can be provided in Dutch or English.

During the fulfilment of the contract, communication must be conducted in Dutch or English.

7.3.21 General terms and conditions

The applicability of any of the Tenderer's general terms and conditions concerning delivery, payment and/or any other matters is explicitly excluded. The General Government Terms and Conditions apply to the Contract.

7.3.22 Contract conditions

The draft Contract, Data processing Agreement and the corresponding General Government Terms and Conditions are included in the annexes. The Tenderers have the opportunity to ask questions, make comments and propose textual amendments.

The Tendering Authority is free to accept or reject the proposed textual amendments. The Tendering Authority will indicate whether or not the proposals have been accepted or rejected in the Memorandum of Information. By submitting the Tender, the Tenderer declares his consent to the (possibly amended) Contract. Only the definitive Contract will apply during the execution of the assignment.

7.3.23 Explanation and verification of the Tender

The Tendering Authority wants to be sure that the proposed experts have the expertise required for the assignment. For this reason a verification session is part of this tender procedure. In this session the lead consultants who will actually execute the assignment (requirement 3.1.15) will present their tender to the assessors. Tenderers are allowed to have specialist subjects presented by another expert but in that case this expert must also actually be responsible for the execution of that specialist part of the assignment.

In preparation of the verification session the Tendering Authority can request that the Tenderer explains his Tender in greater detail on certain points and/or provide substantiating documents (see time schedule paragraph 1.4). The Tenderer should include this clarifying information in his presentation.

During the verification session the assessors are permitted to check the relevant expertise of the expert through control questions.

The only purpose of the verification session is to verify if the proposed experts have the expertise described in the Tender and to clarify the Tender on specific points. Tenderer is not allowed to change its Tender in the verification session. If this does happen then that information will be disregarded.

Weight of the presentations

There is no separate award criterion for the presentation during the verification session but the individual assessors may adjust their score up or down by 10 percentage points, in response to the presentation and the answers given.

Adjustment of their individual assessment can be done on the basis of only two reasons :

- 1 – Answers to the control questions show that a presenting expert does not have the necessary expertise or does not actually execute their part of the assignment;
- 2 – The clarification of the questions that have been send in preparation clarify the offer in positive or negative terms.

Note: Tenderer shall ensure that the relevant experts are available on the date stated (requirement 3.1.15).

Finally the Contracting Authority is entitled – although not obliged – to check the accuracy of all data and statements submitted within the scope of the Tender.

7.3.24 Request for supplementary information concerning the Tender

The Tendering Authority can ask Tenderers to provide supplementary information and/or clarification of their Tender.

7.3.25 Announcement of the award of the Contract

All Tenderers will receive a message simultaneously that announces the award of the Contract and substantiates its decision. All Tenderers are entitled to request further information regarding this decision from the Tendering Authority.

Standstill period

All Tenderers and stakeholders who dispute the award of the Contract and/or the verbal/written substantiation thereof can apply for a preliminary injunction at the competent civil court in The Hague. The summons must be served within 20 calendar days subsequent to the sending of the digital notifications concerning the award of the Contract. Upon expiry of this period, no more applications for a preliminary injunction can be submitted. In the event a Tenderer applies for a preliminary injunction, we kindly request that you send a copy of the summons to the Tendering Authority.

On the grounds of Section 2.129 of the Public Procurement Act the award of the Contract does not yet mean the Tenderer's Tender has been accepted. For the 20 calendar days subsequent to the sending of the digital notification of the award of the Contract, the Tendering Authority is not permitted to definitively award the assignment by concluding the Contract.

If a preliminary injunction is applied for during these 20 calendar days, then a waiting period will be required pending a judgement in the preliminary injunction proceedings. The judgement will serve as the basis for further decision making by the Tendering Authority.

If preliminary injunction proceedings are brought against the award of the Contract, then the Tendering Authority will notify the Tenderer of this fact. The Tenderer must ensure that his Tender remains valid for at least four weeks subsequent to the judgement in the preliminary injunction proceedings.

Interest in relation to the judgement

Tenderers who have an interest in the judgement in these preliminary injunction proceedings can only engage in these proceedings by means of intervention or joinder. The Tenderer cannot initiate separate proceedings or other judicial proceedings.

7.4 Further Agreements within the Contract

A further agreement within the Framework Agreement is referred to as a Further Agreement. There will be a half-yearly assignment with a half-yearly program within the scope of this Tender. Additional tasks can be given during the year.

Annexes

The following annexes constitute an integral part of this Tender document. These annexes were published together with the Tender document.

Annex 1a: European Single Procurement Document – Lot 1 Financial Development Service Provider
Annex 1b: European Single Procurement Document – Lot 2 Business Development Service Provider
Annex 2a: Rates - Lot 1 Financial Development Service Provider
Annex 2b: Rates – Lot 2 Business Development Service Provider
Annex 3: Draft Framework Agreement lot 1 & 2
Annex 4a: Draft Data processing Agreement - Lot 1 Financial Development Service Provider
Annex 4b: Draft Data processing Agreement - Lot 2 Business Development Service Provider
Annex 5a: References – Lot 1 Financial Development Service Provider
Annex 5b: References – Lot 2 Business Development Service Provider
Annex 6: ARVODI-2018
Annex 7: Complaints Procedure
Annex 8: Integrity Code of Conduct for the Central Government Sector (*Gedragscode Integriteit Rijk*)