



Descriptive Document

European call for tenders according to the public tendering procedure for the supply and maintenance of flow measurement instruments for the Dutch National Water Monitoring Network [*Landelijk Meetnet Water*] ('Debiet LMW')

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Disclaimer: RWS CIV has translated the Dutch Tender documents and Contract documents at best efforts. If any discussion arises, Dutch text is leading. After the Contract has been awarded, it will be signed in Dutch and Dutch law is applicable.

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Definitions

Contracting Authority	Rijkswaterstaat, part of an executive agency of the Ministry of Infrastructure and Water Management.
Descriptive Document Public Procurement Act	This document, including Annexes. Dutch Public Procurement Act 2012 [<i>Aanbestedingswet 2012</i>].
Most economically advantageous tender Suitability Requirements	The Tender Application that achieves the highest total final score based on the best price-quality ratio. The requirements laid down by the Contracting Authority for a Tenderer to determine whether a Tenderer is able to perform the public works contract.
Tenderer	The entrepreneur or entrepreneurs who has/have submitted a Tender Application or intends/intend to submit a Tender Application.
Tender Application	A tender submitted by a Tenderer with regard to this Descriptive Document.
RWS CIV	Rijkswaterstaat Central Information Service, organisational unit of Rijkswaterstaat.
Summary of Additional Information and Changes Client	A document with the questions asked and corresponding answers in anonymised form. The State of the Netherlands, represented by the Minister of Infrastructure and Water Management who concludes the Agreement with the Contractor on behalf of Rijkswaterstaat.
Contractor Agreement	The party with whom the Client concludes the Agreement. The written agreement between the Client and the Contractor setting out the conditions under which the contract will be performed.
Ground for Exclusion	A circumstance that concerns the Tenderer or their person and may lead to exclusion of its participation in the call for tenders.
European Single Procurement Document	A Tenderer's statement which includes whether grounds for exclusion apply to it and whether it meets the stated suitability requirements.
Tender Specification	The requirements relating to the contract.

1. Introduction

This Descriptive Document contains information about the European call for tenders in accordance with the public tendering procedure for the supply and maintenance of flow measurement instruments for the Dutch National Water Monitoring Network [*Landelijk Meetnet Water*] (Flow LMW). The procedure is held on the basis of the Public Procurement Act. The definitions of the Public Procurement Act therefore apply. The tendering procedure is carried out electronically online using TenderNed.

Tenderers are invited to submit a Tender Application based on this Descriptive Document.

1.1 Contracting Authority

This call for tenders is made by the Rijkswaterstaat Central Information Services.

Rijkswaterstaat Central Information Services

Rijkswaterstaat Central Information Services ('RWS CIV') is responsible for the development and availability of data, details and information at Rijkswaterstaat. RWS CIV is responsible for industrial automation at bridges, tunnels, national roads and other infrastructure. In addition, RWS CIV manages the office automation for Rijkswaterstaat.

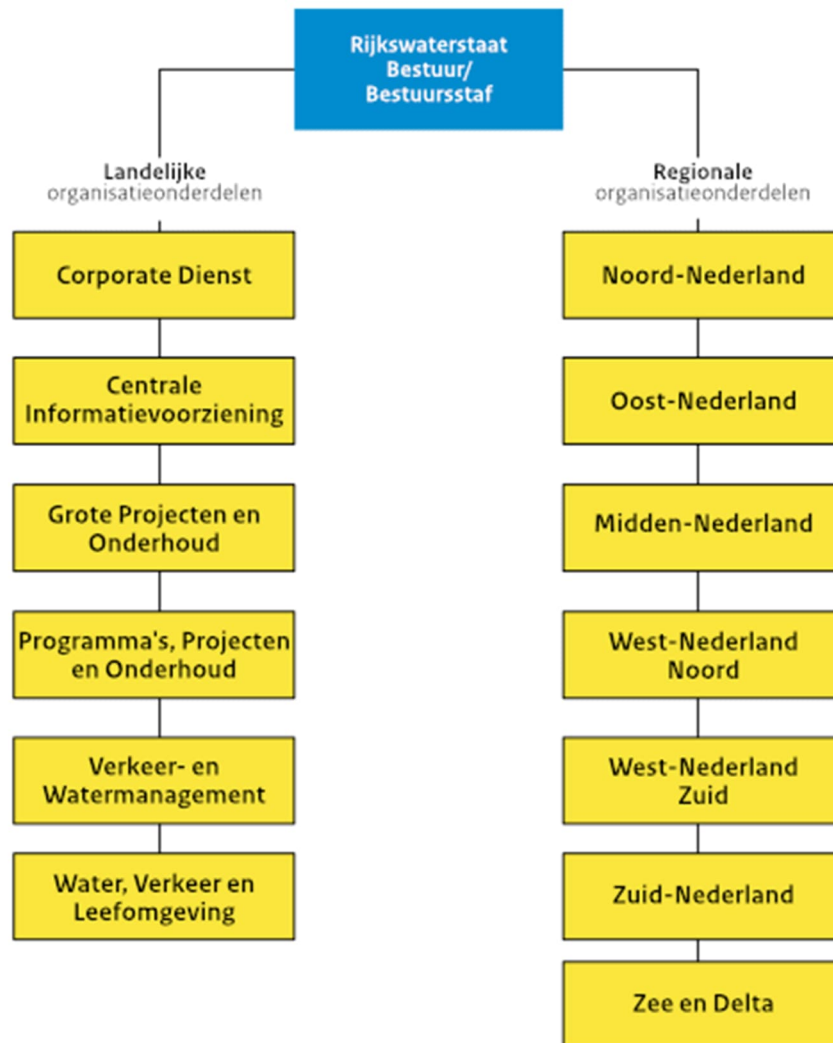
Department 'Vaste Meetnetten' (Permanent Measuring Networks)

The Department 'Vaste Meetnetten' of the Directorate Data Gathering and Analysis (IGA) ensures that RWS's automatic permanent measuring networks provide indisputable, complete, consistently available and easily accessible data that always meet user requirements. It effectively and efficiently manages the technical infrastructure set up for this purpose. The department's largest and best known measuring network is the Dutch National Water Monitoring Network [*Landelijk Meetnet Water*; LMW].

Rijkswaterstaat

RWS CIV is a national organisational unit of Rijkswaterstaat. Rijkswaterstaat is the executive agency of the Ministry of Infrastructure and Water Management. Rijkswaterstaat manages and develops national roads, waterways and waters, and is committed to a sustainable living environment. RWS works with other parties to protect the country against flooding, allowing for ample greenery and plenty of clean water, and the ability to get from A to B quickly and safely. Working together to create a safe, liveable and accessible Netherlands. That is what Rijkswaterstaat stands for. More information is available at www.rijkswaterstaat.nl.

The Rijkswaterstaat organisation chart is as follows:



1.2 Background to this call for tenders

Two types of flow measurement instruments are used for the discharge measurements in the National Water Monitoring Network (LMW): 26 Acoustic Flow Meters ('ADMs') and 6 Horizontal Acoustic Doppler Current Profiles ('H-ADCPs'). The ADMs are approaching their end of life. The ADM supplier currently repairs these flow measurement instruments on a best-efforts basis, using a finite stock of spare parts. This End-of-Life maintenance agreement for the ADMs ends on or before 31 March 2028. This includes two extension options of one year each. This procurement aims to ensure that RWS can produce continuous flow velocity and discharge data at the 28 measurement sites. Due to climate change and thus possible change in data collection needs, new measurement sites are also taken into account.

In view of the current market situation, RWS is looking for two Contractors: one Contractor for H-ADCP measuring instruments and one Contractor for ADM measuring instruments. This procurement concerns a European call for tenders with an ADM Lot and a H-ADCP Lot.

1.3 Market Consultation

The market for renewing flow sites has been widely explored. Through a call on TenderNed, Dutch market parties were able to participate in a session during which several flow sites were discussed in detail with all internal RWS stakeholders. The input from this session and subsequent discussions with all interested companies helped to create the Schedule of Requirements.

1.4 Planning

The following planning applies to this call for tenders.

29 November 2024	Publication of the contract notice; start of the period for submitting tenders
17 December 2024	Information meeting via Teams (in English) from 13:30–15:00
8 January 2025	Site visit; place and time will follow after registration.
17 January 2025	Deadline for the Tenderer to submit questions about this Descriptive Document and to submit wording proposals for the draft Agreement (including the General Government Terms and Conditions for IT Contracts, ARBIT 2022)
24 January 2025	Publication of the Summary of Additional Information and Changes
14 February 2025 at 12:00	Deadline date and time for the submission and receipt of Tender Applications
14 February – 28 February 2025	Assessment of Tender Applications
14 March 2025	Sending of the award decision notice
4 April 2025	Deadline for bringing an application for preliminary relief relating to the award decision notice
April and May 2025	Verification of H-ADCP
1 May 2025	Commencement date of ADM Agreement
1 June 2025	Commencement date of H-ADCP Agreement

If the circumstances warrant it in Rijkswaterstaat's opinion, it can change the stated deadline(s). In that case, notice of the new deadline(s) will be given in due time. The planning in TenderNed serves as a guideline.

2. Contract description

This chapter contains information about the contract. When determining the contract, Rijkswaterstaat took into account the contract's scope and complexity, the number of potential tenderers, the transaction costs and the nature of the market.

2.1 Description and purpose of the contract

The purpose of this contract is to provide long-term and flexible access to qualitative instruments for flow velocity and discharge measurement at reasonable costs, with added social value.

This objective aligns with the Client's desire to ensure reliability and continuity of flow sensors and to have access to a long-term contract that can flexibly accommodate the planned roll-out and establishment of possible new sites.

2.2 Lots

The call for tenders is subdivided into the following two lots:

ADM Lot
H-ADCP Lot

A Tenderer may submit a tender for both lots and be awarded one or two lots.

2.3 Term of the Agreement

The Client intends to conclude an Agreement for a term of ten years with an option to extend by five years for each lot. The option is to be exercised unilaterally by the Client.

The Client wishes to enter into an Agreement with one Tenderer for each lot.

2.4 Scope of the Contract

Rijkswaterstaat assumes a contract term of fifteen years for the supply and maintenance of flow and discharge instruments. Rijkswaterstaat assumes an indicative total contract value (including option years) of €2,850,000 (excluding VAT). Rijkswaterstaat has included the option to purchase 10 more systems per lot for the duration of the agreement.

The estimated contract size for the ADM Lot has an indicative value of EUR 1,325,000 (excluding VAT).

The estimated contract size for the H-ADCP Lot has an indicative value of EUR 1,525,000 (excluding VAT).

The indicative value is not a guaranteed turnover. It is an indication from which no rights may be derived.

This Descriptive Document has been drawn up using up-to-date knowledge and present-day insights.

Review clauses

Rijkswaterstaat reserves the right to replace the Contractor with a new dealer for the duration of the contract if the relationship between the manufacturer and dealership is terminated and continuity of the supply and corrective maintenance of the ADM and H-ADCP is at risk for RWS.

After the end of the contract, Rijkswaterstaat reserves the right to make contractual arrangements with the Contractor for corrective maintenance for the service life of the instruments already procured within this contract without a tendering procedure.

3. Requirements pertaining to the contract

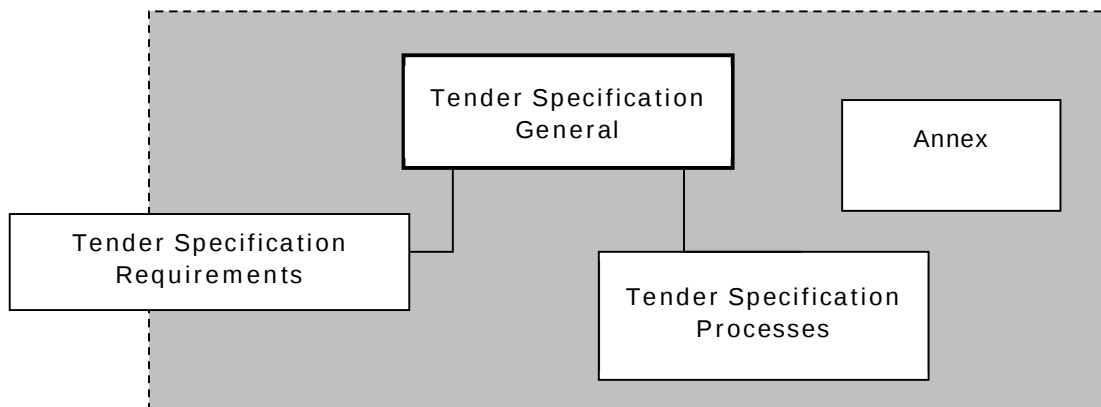
This chapter contains the requirements laid down by Rijkswaterstaat for the requested supply of goods and services.

By submitting a Tender Application, accompanied by the Annex 'Statement of Agreement', the Tenderer expressly agrees to all the requirements and conditions laid down in this chapter or in the referenced Annexes and states that it will continue to comply with them throughout the term of execution of the Agreement concluded with it.

3.1 Requirements relating to the contract

The requirements relating to the Contract are set out in the Annex 'Tender Specification' for each lot. The 'Tender Specification' is attached as the Annex Tender Specification.

The 'Tender Specification' is structured as follows:



3.2 Requirements relating to information security

Security is an integral part of Rijkswaterstaat's Information Provision and is aimed at ensuring the availability, integrity, confidentiality and verifiability of the Information Provision. Information Provision is defined as the set of resources, data collections and organisational facilities that serve to provide information. The Government Information Security Baseline ('GISB') prescribes the information security baseline at the Central Government. The GISB provides a single framework of standards for the security of the Central Government's Information Provision (IP).

This procurement is subject to the security requirements and security measures as set out in the 'ADM Tender Specification Requirements' and the 'H-ADCP Tender Specification Requirements'.

3.3 Requirements relating to the environment

The Tenderer must hold the necessary environmental permits for the performance of this contract.

3.4 Requirements relating to Social Return

Social Return means that as a government agency, RWS must not only ensure a financial return, but also a social return in its cooperation with partners. The purpose of this is that everyone can participate fully in society. The *Groeituin* Social Return ('the *Groeituin*') is an innovative concept that RWS has devised to develop social return in relation to the most economically advantageous tender themes: social return and procurement at social enterprises.

As part of *Groeituin*, the Contractor and the Client make maximum use of their knowledge and expertise in exploring the possibilities from a different perspective for investing in the development of people with poor employment prospects.

After awarding the Agreement(s), the Contractor must apply the *Maatwerk voor Mensen* (Customised Solutions for People) social return policy in accordance with the *Groeituin* working method, which focuses on achieving social impact. Refer to: [Social Return: Groeituin | Rijkswaterstaat](#)

After the final award, *Groeituin* and the Contractor will hold talks during which the working method and the possibilities will be discussed. After these talks, the Contractor must provide a plan of action that complies with *Groeituin*'s social return policy and which *Groeituin* must approve before it is implemented. Refer to the 'Tender Specification' annex for a full description of the contents.

4. Requirements pertaining to the Tenderer

This chapter contains the requirements laid down by Rijkswaterstaat to determine whether a Tenderer is suitable to perform the Agreement. Grounds for Exclusion and Suitability Requirements are used.

The Tenderer can use the 'European Single Procurement Document' to indicate whether or not the Grounds for Exclusion apply to it and whether it complies with the Suitability Requirements.

4.1 Grounds for Exclusion

Rijkswaterstaat will exclude a Tenderer if one or more Grounds for Exclusion apply to the Tenderer unless it nonetheless allows the Tenderer to participate in the tendering procedure under Sections 2.86a, 2.87a or 2.88 of the Public Procurement Act.

The Annex 'European Single Procurement Document' contains the mandatory Grounds for Exclusion and the optional Grounds for Exclusion declared applicable by Rijkswaterstaat. A fine imposed by the Netherlands Authority for Consumers and Markets (ACM) is always considered to be grave professional misconduct or an indication of it for the purpose of the ground for exclusion 'Grave professional misconduct'.

The following supporting documents will be requested for verification (these may be sent when the Tender Application is submitted, but will only be required after RWS requests them):

- Certificate of Conduct for Procurement
- A Declaration of Payment Behaviour compliant with tax obligations of the Tax Administration

NOTE: Please take into account the application time for the Certificate of Conduct for Procurement ('CCP') and the Declaration of Payment Behaviour compliant with tax obligations of the Tax Administration. It is the responsibility of the Tenderer to ensure that applications for the CCP and/or Tax Administration declaration are requested in due time to comply with the submission deadline. (If the Tenderer relies on one or more third parties, a CCP and a Declaration of Payment Behaviour compliant with tax obligations of the Tax Administration must also be submitted by those companies). At the deadline for submitting the Tender Applications, the CCP may not be older than two years and the Declaration of Payment Behaviour compliant with tax obligations of the Tax Administration may not be older than six months.

An entrepreneur in a foreign state may, if there is no equivalent declaration in the country in which they are established, make a declaration under oath or a solemn declaration before a judicial or administrative body, a civil-law notary or an authorised professional organisation of that country and submit such declaration to Rijkswaterstaat.

4.2 Inside information and conflicts of interest

Rijkswaterstaat's guidelines for the prevention of inside information and conflicts of interest, as set out in the Annex 'Policy Document on Separation of Interests', and the 'Policy concerning Conflicts of Interest in the Call for Tenders' dated 14 September 2007, apply fully to this call for tenders.

If there is (or has been) involvement in the preparation of the contract, there is a presumption of inside information and/or a conflict of interest. At its discretion, Rijkswaterstaat will give the Tenderer the opportunity to refute the aforementioned presumption and to demonstrate that fair competition is not affected by the current or past involvement. An entrepreneur may be excluded from participating in the call for tenders if the aforementioned presumption is not refuted.

4.3 Suitability Requirements

This section sets out the Suitability Requirements for Tenderers. Tenderers must comply with this requirement. If not, the Tender Application will be set aside.

By way of the Annex 'European Single Procurement Document', the Tenderer declares that it fulfils the Suitability Requirements set out in this section of the Descriptive Document and will continue to comply with them during the term of the Agreement.

4.3.1 Financial and economic capacity

Tenderers must have adequate financial and economic capacity for compliance with the obligations arising from the Agreement. RWS CIV does not impose any further requirements regarding financial and economic capacity.

4.3.2 Technical and professional qualifications

Rijkswaterstaat has established the following requirements for verifying technical and professional qualifications.

4.3.2.1 Core competences

Rijkswaterstaat has established the following core competences that correspond to experience in essential areas of the contract:

ADM Lot

Core competence 1: *Calibration in accordance with ISO6416*

Core Competence 1 includes the following elements that will be included in the assessment:

- o *Calibration of one or more ADMs in accordance with ISO6416 for discharge*
- o *The maximum discharge deviation is 10% with a minimum of 1 m³/s*
- o *The calibration occurred in comparable open water systems: canals or rivers with a minimum width of 100 m.*

Core competence 1 must be demonstrated by way of:

- o *Reference and a calibration report*

H-ADCP Lot

Core competence 1: *Performing vessel-mounted ADCP measurements for discharge calculation*

Core Competence 1 includes the following elements that will be included in the assessment:

- o *The accuracy of the vessel-mounted measurements meets the requirements of the reference*
- o *The vessel-mounted measurement occurred in comparable open water systems: canals or rivers with a minimum discharge of 200 m³/s.*

Core competence 1 must be demonstrated by way of:

- o *Reference and a delivery file of the vessel-mounted measurement*

Core competence 2: *Calibration of one or more H-ADCPs*

Core Competence 2 includes the following elements that will be included in the assessment:

- o *Calibration of one or more H-ADCPs*
- o *The maximum deviation is 10% with a minimum of 1 m³/s*
- o *The calibration occurred in comparable open water systems: canals or rivers with a minimum discharge of 100 m³/s.*

Core competence 2 must be demonstrated by way of:

- o *Reference and a calibration report*

The Tenderer must have performed one reference contract of each aforementioned core competence that meets the following requirements:

- The subject of the reference contract must be comparable to the relevant core competence.
- The reference contract must have been performed or completed within the last three years preceding the publication date of this call for tenders on TenderNed.
- If a contract that has not yet been fully completed is used for this purpose, only the actual results achieved in the current agreement may be reported and a forecast of the results will not suffice.
- The reference contracts must have been properly performed both in terms of the method of implementation and in terms of the result. Not only the end result, but also the manner of implementation is relevant.

The reasons why the reference(s) are relevant to this contract must be substantiated for each reference contract. This should include:

- Which core competences or parts of core competences are covered.
- A description of the work carried out by the entrepreneur and the results achieved.

The following supporting documents are requested for verification (to be submitted together with the Tender Application)

- Annex 'Reference Statement'

The Tenderer must use the Annex 'Reference Statement' for each reference contract. If a single reference reflects several core competences that meet the requirements, the Tenderer may use the same reference for those core competences.

By providing a reference, Tenderers give Rijkswaterstaat permission to check references for correctness and to contact one or more referees without intervention and/or consent from the Tenderer.

4.3.3 Professional competence

Rijkswaterstaat requires that the Tenderer is competent to practice its profession. The Tenderer must demonstrate that it is registered in the professional register or in the commercial register in accordance with the rules of the Member State in which it is established, as set out in Annex XI to Directive 2014/24/EU.

The following supporting documents are requested for verification (to be submitted together with the Tender Application):

- Excerpt from the professional or commercial register

In order to establish the validity of the signed Annex 'Statement of Agreement' and supporting documents, it is necessary to submit recent and up-to-date excerpts (up to six months old, from the time of submission of the Tender Application) from the professional register or commercial register issued in accordance with Section 2.98 of the Public Procurement Act. The excerpts must prove the validity of the signatory.

If the person who signed the Tenderer's statements and supporting documents is not mentioned in the excerpt, a person who is mentioned in the excerpt must show – by way of a power of attorney – that the signatory is authorised to legally bind the Tenderer at the time of signing.

If a consortium submits the Tender Application, each participant in the consortium must submit the above separately.

4.3.4 Submitting technical documentation

The Tenderer provides technical documentation that constitutes a description of the system offered. This component does not earn any points in the award. Before the quality criterion 'Added Value of Technical Functionality' is awarded points for the contract, Rijkswaterstaat assesses, based on the Tenderer's technical documentation, whether the system has been offered in accordance with a number of defined requirements. The technical documentation forms part of the Agreement.

The purpose of this technical documentation is to be able to properly understand the Tender Application and to establish that it complies with several requirements as defined in the Tender Specification. If the requirements are not complied with, the Tender Application will be disregarded. Provide the information in Annex 8A 'Technical Information Form ADM' or Annex 8B 'Technical Information Form H-ADCP'. Note: The Tenderer may not refer to this technical documentation when detailing the Quality Criteria below.

Technical documentation: Provide an appropriate description of the technical solution offered in no more than three A4 pages. Enclosing product brochures as attachments is allowed for this purpose. At least the brand and type of the system offered should be mentioned for the description. For more information, see the Annex 'Technical Information Form'.

5. Contract awarding criteria

This chapter includes the contract awarding criteria, which are the criteria on the basis of which a Tender Application is assessed. The Tenderer must take account of the requirements set out in Chapter 3 in this respect.

The criterion for awarding the Agreement is the 'most economically advantageous tender with the best price/quality ratio' ('BPQR').

The Tenderer must supplement the Tender Application detailing the BPQR criteria in TenderNed using 'Annex 2A: ADM Lot Quality Criteria Format' or 'Annex 2B: H-ADCP Lot Quality Criteria Format'.

5.1 BPQR criteria for each lot

A table with the BPQR criteria has been drawn up for each lot. There are two quality criteria for each lot. Each quality criterion is subdivided into sub-award criteria. A maximum quality value can be achieved for each sub-award criterion.

Every sub-award criteria is expressed as a performance criterion. A characteristic of a performance criterion is that the quality described in the Tender Application can be quantified directly to a benchmark. The quality value is shown directly (quantitatively) by the Tenderer's specification in its Tender Application. There is no need to carry out a quality assessment for this purpose.

The definition of the Quality Criteria, section 5.2 for the ADM Lot and section 5.3 for the H-ADCP Lot, describes how the quality value is scored.

5.2 Detailing of the BPQR criteria for the ADM Lot

The BPQR criterion for the ADM Lot is detailed in the following subsections.

5.2.1 Table of the BPQR criteria for the ADM Lot

ADM Lot

Contract awarding criteria and sub-award criteria	Sub-criterion	Maximum bonus	Share
1. Technical aspects	1.1. Remote alignment (without physical adjustment to the structure)	€ 35,000	10%
	1.2 Configuration and monitoring through the data port	€ 35,000	
	1.3 Transmission frequency <100 kHz	€ 20,000	
2. Sustainability	2.1 Reusing bamboo coaxial cable	€ 170,000	30%
	2.2 Social Return via the RWS Groeituin (5%)	€ 50,000	
	2.3 Aspects in the chain	€ 50,000	
3. Price	Total price	n/a	60%

5.2.2 Detailing of technical aspects

ADM Lot

No.	Scoring element	Assessment framework (points to consider)
1.1	Remote alignment (without physical adjustment to the structure)	<i>There is added value when the transducer can be aligned in its underwater position remotely without having to raise it above water. This applies only when installing the transducers on a sloping wall, without the use of a measuring pole. This added value can be achieved as part of the supplied system, or by providing a structural design for the suspension structure on which the transducer is mounted.</i> <u>The Tenderer will score:</u> ✓ 100% of the quality value if it can provide the capability to remotely align the transducer when it is placed on an inclined slope. <i>In annex 8A 'Technical Information Form ADM', state whether there is a remote alignment capability, and whether this is part of the instrument or a structural possibility.</i>
1.2	Configuration and monitoring through the data port	<i>There is added value if the computing unit is accessible through the LMW Gateway for configuration and monitoring. This connection must comply with the communication protocols and digital serial outputs as specified in the Tender Specification. This will reduce the number of physical visits that a maintenance contractor needs to make to the site.</i> <u>The Tenderer will score:</u> ✓ 100% of the quality value if configuration and monitoring is possible through the data port <i>State in Annex 8A 'ADM Technical Information Form' whether configuration and monitoring is possible through the data port (yes/no).</i>
1.3	Transmission frequency <100 kHz	<i>There is added value if the Contractor can supply an ADM Flow Measurement System with a transducer whose transmission frequency is below 100 kHz. The flow velocity measurement system works with 100 kHz transducers, but these are not sufficient at one Measurement Site due to high turbidity in the water combined with a wide waterway of 150 m.</i> <u>The Tenderer will score:</u> ✓ 100% of the quality value if it can supply a transducer with a transmission frequency lower than 100 kHz in the ADM Measurement System. <i>In Annex 8A 'ADM Technical Information Form' , mention the measurement frequency lower than 100 kHz that can be applied.</i>

5.2.3 Detailing of sustainability

ADM Lot

No.	Scoring element	Assessment framework (points to consider)
2.1	Reusing bamboo coaxial cable	<i>There is added value when excavation work at the existing sites can be minimised by reusing the existing ground signal cable that lies between the computing unit and the coupling hub. The specification of this ground signal cable is Bamboo 6 coaxial.</i> <u>The Tenderer will score:</u> ✓ 100% of quality value if it can integrate the current Bamboo 6 ground signal cable into its ADM flow measurement instrument.
2.2	Social Return via the RWS Groeituin (5%)	<i>The Contractor will apply a percentage of the Agreement's contract sum to social return. The amount that this represents is the social return value. Refer to Annex 13 'Groeituin Social Return Guide' for how this social return value is applied at Rijkswaterstaat.</i> <i>Contractually, 2% is mandatory. Rijkswaterstaat rewards Tenderers who reserve a higher percentage for social return value.</i> <u>The Tenderer will score:</u> ✓ 100% of the quality value if it commits to 5% social return value.
2.3	Aspects in the chain	<i>Many electronic devices contain conflict minerals such as tin, tantalum, tungsten, gold (3TG) and cobalt. The excavation of these minerals often goes hand-in-hand with social conflicts due to the value they represent. This social conflict often manifests itself in appalling conditions for miners and armed conflicts between various groups or political groups to gain or maintain ownership of the mines. This involves life-threatening working conditions in the mine, where child labour still occurs. It is quite a challenge to set up hardware production in such a way that no use is made of conflict minerals, because there is often no clarity as to where the raw materials come from.</i> <i>Rijkswaterstaat rewards Tenderers who are committed to providing transparency regarding the presence of conflict minerals in the supply chain and for that purpose, includes obligations in the Agreement regarding such transparency.</i> <u>The Tenderer will score:</u> ✓ 50% of the quality value if, no later than six months after the final award of the contract, the Contractor submits a risk analysis in which the components where conflict minerals are expected are included

		at a minimum. For these components, transparency must be provided regarding the origin of the minerals/metals and the chain analysis, where possible from source to product. No later than twelve months after the final award of the contract, the Contractor must also submit a plan of action to mitigate the risks identified in the risk analysis (International Social Conditions (ISC) for Contract Wording A). ✓ 100% of the quality value if, in addition to ISC Contract Wording A, the Contractor reports annually during the contract period on its commitment to mitigating the risks in relation to the commencement date of the Agreement. This must show that the Contractor and/or its suppliers have made a 'reasonable effort' (including investment) to improve the situation regarding conflict minerals. (ISC Contract Wording AB)
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5.3 Detailing of the BPQR criteria for the H-ADCP Lot

The BPQR criterion for the H-ADCP Lot is detailed in the following subsections.

5.3.1 Table of the BPQR criteria for the H-ADCP Lot

H-ADCP Lot

Contract awarding criteria and sub-award criteria	Sub-criterion	Maximum bonus	Share
1. Technical aspects	1.1. Quality parameters	€100,000	12%
	1.2 Short period between delivery by LMW contractor and start of calibration	€100,000	
2. Sustainability	2.1 Social Return via the RWS Groeituin (5%)	€100,000	18%
	2.2 Aspects in the chain	€100,000	
	2.3 Sustained provision for temporary offline operation (rollout phase)	€100,000	
3. Price	Total price	n/a	70%

5.3.2 Detailing of technical aspects

H-ADCP Lot

No.	Scoring element	Assessment framework (points to consider)
1.1	Quality parameters	There is added value if the offered H-ADCP flow measurement instrument outputs a minimum of eight different quality parameters in the configured binary message. This allows Client to more easily assess the quality of the measurement. Examples of quality parameters are correlation per cell, signal strength (per cell), noise level and good ping rate. Parameters that are a combination of or directly

		derived from one or more other parameters do not count separately here. <u>The Tenderer will score:</u> ✓ 100% of the quality value if it provides an H-ADCP flow measurement instrument that outputs at least eight different quality parameters in the configured binary data message.
1.2	Short period between delivery by LMW contractor and start of calibration	There is added value if the Contractor immediately starts with the set-up activities and calibration measurements immediately after the LMW Management and Servicing (M&S) contractor completes and delivers the work. This will shorten the lead time for the delivery of the redesigned Measurement Site. <u>The Tenderer will score:</u> ✓ 50% of the quality value if it commits to checking the set-up of the H-ADCP flow measurement instrument within the LMW M&S contractor's delivery phase. ✓ 50% of the quality value if it commits to start calibration measurements at each Measurement Site within five working days of delivering the measuring structure with H-ADCP at that Measurement Site.

5.3.3 Detailing of sustainability

H-ADCP Lot

No.	Scoring element	Assessment framework (points to consider)
2.1	Social Return via the RWS Groeituin (5%)	The Contractor will apply a percentage of the Agreement's contract sum to social return. The amount that this represents is the social return value. Refer to Annex 13 'Groeituin Social Return Guide' for how this social return value is applied at Rijkswaterstaat. Contractually, 2% is mandatory. Rijkswaterstaat rewards Tenderers who reserve a higher percentage for social return value. <u>The Tenderer will score:</u> ✓ 100% of the quality value if it commits to 5% social return value.
2.2	Aspects in the chain	Many electronic devices contain conflict minerals such as tin, tantalum, tungsten, gold (3TG) and cobalt. The excavation of these minerals often goes hand-in-hand with social conflicts due to the value they represent. This social conflict often manifests itself in appalling conditions for miners and armed conflicts between various groups or political groups to gain or maintain ownership of the mines. This involves life-

		<i>threatening working conditions in the mine, where child labour still occurs. It is quite a challenge to set up hardware production in such a way that no use is made of conflict minerals, because there is often no clarity as to where the raw materials come from.</i> <i>Rijkswaterstaat rewards Tenderers who are committed to providing transparency regarding the presence of conflict minerals in the supply chain and for that purpose, includes obligations in the Agreement regarding such transparency.</i> <u><i>The Tenderer will score:</i></u> ✓ <i>50% of the quality value if, no later than six months after the final award of the contract, the Contractor submits a risk analysis in which the components where conflict minerals are expected are included at a minimum. For these components, transparency must be provided regarding the origin of the minerals/metals and the chain analysis, where possible from source to product. No later than twelve months after the final award of the contract, the Contractor must also submit a plan of action to mitigate the risks identified in the risk analysis (International Social Conditions (ISC) for Contract Wording A).</i> ✓ <i>100% of the quality value if, in addition to ISC Contract Wording A, the Contractor reports annually during the contract period on its commitment to mitigating the risks in relation to the commencement date of the Agreement. This must show that the Contractor and/or its suppliers have made a 'reasonable effort' (including investment) to improve the situation regarding conflict minerals. (ISC Contract Wording AB)</i>
2.3	Sustained provision for temporary offline operation (rollout phase)	<i>Rijkswaterstaat assumes 'normal' provision for temporary offline operation: the use of conventional single-use battery packs. The tenderer can offer solutions that prevent the disposal of conventional batteries.</i> <u><i>The Tenderer will score:</i></u> <i>100% of the quality value if sustained provision is offered.</i>

5.4 BPQR criterion: Price

To ensure an objective assessment of the Tender Applications, it has been decided to present a format (see Annex 3A: 'ADM Lot Quotation Form' or Annex 3B: 'H-ADCP Lot Quotation Form'). This format is mandatory and the Tenderer must follow it.

After filling in the Quotation Form the tender sum will become apparent in the 'Tender Sum' cell. The Tenderer also adds substantiation (calculation sheet) of the price per location.

The details of the financial offer must comply with the following requirements.

- All prices and rates are in euros excluding VAT and can be indexed and/or adjusted. Refer to the draft Agreement for how this can be achieved.
- The prices and rates must include all costs to be able to complete the contract. Unless the Tender Specification states otherwise, this includes project management costs, development costs, insurance, all administrative and office costs, and any additional costs and surcharges.
- The Tenderer must state the prices and rates of its financial offer only in the format presented and not in other documents.

5.5 Price List

The Price List does not form part of the BPQR-criterion price. The Price List forms part of the Agreement and serves as a guideline for ordering.

The purpose of the Price List is to ensure that all invoices submitted during the term of the Agreements are traceable as far as possible to pre-agreed prices and rates.

The prices and rates entered in the Quotation Form will also be included in the Price List. Where the Quotation Form is used to make Tender Applications comparable, the Price List is used during the term of the Agreement for performing the contract.

The Price List at least includes:

- All prices and hourly rates as included in the Quotation Form.
- The prices of individual components within the standard scope of supply. For example, a separate ADM transducer; a separate H-ADCP; a separate power supply; cables etc.
- The prices of components used in corrective maintenance. This concerns at least those components whose replacement during their service life is likely.
- The prices of upgrades and accessories that provide additional functions beyond those of the offered system.
- The prices for calibration and validation, including report.
- The prices of user training for installation and maintenance of the instrument.

The price of the individual components on the Price List must be in reasonable proportion to the price of the system. The prices and rates on the Price List are in line with market conditions.

6. Assessment

This chapter describes the assessment in more detail.

An assessment instruction will be drawn up prior to the opening of the Tender Applications. This assessment instruction is an internal Rijkswaterstaat document and is not made available to Tenderers. The information relevant to Tenderers is provided in this Descriptive Document.

Rijkswaterstaat assesses on the basis of performance criteria and on the basis of expert opinion. For the assessment by expert opinion, specialists form a professional opinion based on their own knowledge and expertise. To ensure objectivity, an assessment or sub-assessment team will be set up in such a way that all relevant disciplines are represented in it. For each part of the assessment, at least two people with the necessary expertise will serve in the assessment or sub-assessment team.

6.1 Assessment of complete and duly authorised Tender Application

The documents provided together with the Tender Application will be used for assessing whether the Tender Application fulfils all the conditions and requirements set out in this document.

The Tenderer may be excluded from further participation in this call for tenders and the Tender Application will not be assessed further if the conditions and requirements are not met, unless rectification is permitted within the boundaries of procurement law.

6.2 Assessment of Grounds for Exclusion and Suitability Requirements

Grounds for Exclusion

Rijkswaterstaat will exclude a Tenderer if one or more Grounds for Exclusion apply to the Tenderer, unless Rijkswaterstaat nonetheless allows the Tenderer to participate in the tendering procedure based on Sections 2.86a, 2.87a or 2.88 of the Public Procurement Act. For more information, refer to Chapter 4.

Suitability Requirements

The assessors will first assess the Tender Applications individually in accordance with the instructions set out in the assessment instruction. The Tender Applications will then be jointly discussed among the assessors in a plenary session to reach consensus in a careful assessment.

Tenderers who do not meet one or more Suitability Requirements will be excluded from the further procedure. The Suitability Requirements are described in Chapter 4.

6.3 Assessment of the requirements of the contract

Tender Applications that do not meet the requirements of the contract will be excluded from further participation in the call for tenders.

6.4 Assessment of the contract awarding criteria

The Tender Applications that have not been excluded are assessed on the basis of the BPQR-criteria (refer to Chapter 5). The most economically advantageous tender is the Tender Application with the lowest notional tender sum.

For the purpose of assessing which Tenderer has tendered for the lot with the BPQR, the criteria mentioned in sections 5.2 and 5.3 will be applied. These criteria are detailed in the 'ADM Lot BPQR-criteria table' and the 'H-ADCP Lot BPQR-criteria table'.

The maximum quality value to be scored for each sub-criterion is stated in Annex 4A: 'ADM Lot BPQR Calculation Sheet' and Annex 4B: 'H-ADCP Lot BPQR Calculation Sheet'. The result of the calculation sheet is the 'Notional Tender Sum'. This is obtained by deducting the 'Total Quality Value' from the tender sum. The Tender Application that has the lowest notional sum based on this calculation sheet is the tender with the BPQR of the Lot.

If two or more Tender Applications of a Lot have an equal and lowest notional tender sum, the Tender Application with the lowest price will be the tender with the BPQR. If the price is equal, the matter will be decided by drawing lots. The draw procedure under section 7.24 will be followed for the equal-scoring Tenderers.

6.5 Assessment of the supporting documents

This Descriptive Document specifies the supporting documents to be submitted together with the Tender Application. The other supporting documents only need to be presented after Rijkswaterstaat requests them. However, Tenderers may also submit all supporting documents together with their Tender Application.

Rijkswaterstaat will request the supporting documents not yet submitted from the Tenderer eligible for the award, prior to notification of the award decision. If Rijkswaterstaat deems it necessary for the efficient progress of the procedure, it can request the supporting documents from all Tenderers at an earlier stage.

The supporting documents must show that the Tenderer actually complies with the requirements laid down in the 'European Single Procurement Document' and the Tender Application.

7. Tendering procedure, requirements and conditions

This chapter sets out the tendering procedure, requirements and conditions applicable to this call for tenders. Non-compliance with the tendering procedure, requirements and conditions may lead to the Tender Application being disregarded.

7.1 Statement of Agreement

By submitting a Tender Application, accompanied by the Annex 'Statement of Agreement', the Tenderer expressly agrees to all the requirements and conditions contained in this Descriptive Document. A conditional Tender Application is not permitted. The absence of the Annex 'Statement of Agreement' or absence of a valid signature in the Annex 'Statement of Agreement' will lead to the Tender Application being disregarded.

7.2 Planning

The planning is included in the schedule in section 1.4.

7.3 TenderNed

The tendering procedure is carried out electronically using TenderNed: www.tenderned.nl. All tender documents can be downloaded from TenderNed.

To participate in the tendering procedure, an entrepreneur must be registered in TenderNed. For every Dutch company registered at the Dutch Chamber of Commerce, *eHerkenning* (eRecognition) is required to enable registration and login. The Tenderer is responsible for the consequences of not registering for *eHerkenning* in due time. The 'TenderNed Conditions of Use' apply.

A Tenderer is expected to have all the knowledge needed to be able to proceed correctly through a tendering procedure in TenderNed. Use of TenderNed is at the entrepreneur's expense and risk, subject to the provisions of section 7.11.

Unless specified otherwise, communications relating to this tendering procedure takes place through TenderNed. Maintaining contact or asking questions other than through TenderNed is not permitted for the purpose of this tendering procedure. If it is not possible to communicate through TenderNed, the Tenderer may email the contact person Christine Arendse at christine.arendse@rws.nl and cc. inkoopcentrum-iv@rws.nl.

Making direct contact other than to the aforementioned contact person(s) in connection with this call for tenders is not permitted.

For questions relating to TenderNed functionality or its technology, the Tenderer can contact the TenderNed service desk. The Tenderer can also consult TenderNed's website: [TenderNed for companies](#).

7.4 Questions, information and complaints

Questions and information

During the procedure, the Tenderer can ask questions through TenderNed. Questions can concern ambiguities, discrepancies or inaccuracies. Questions must be submitted through the 'questions and answers' facility in TenderNed. Questions must be formulated clearly with a reference to the section of this document and/or the Annex to which the question relates, stating any proposed corrections. All questions will be answered anonymously. The deadline for asking questions is included in the planning. However, Rijkswaterstaat encourages Tenderers to ask questions as soon as possible. RWS will answer the questions as soon as possible. In any event, all questions asked will be answered at least ten calendar days before the deadline for submission of the Tender Application.

Proactivity

Tenderers are expected to be proactive. This means that the Tenderer is unable to legally invoke any deficiencies or inconsistencies that it has failed to raise within the aforementioned period,

even though this would reasonably have been possible. The Tenderer will then have forfeited its rights respect of these deficiencies or inconsistencies.

Individual information

A Tenderer may make a reasoned request that certain information not be disclosed to all parties involved in the call for tenders if disclosing that information would prejudice its justified economic interests. The Tenderer must check the 'Individual treatment' box in TenderNed and justify the importance of individual treatment. However, it is up to Rijkswaterstaat to determine whether the Tenderer's justification for individual treatment of the question suffices. The Tenderer may ask an individual question that Rijkswaterstaat justifiably rejects. In that case, the Tenderer must indicate whether it would like the question to be answered by means of a general Summary of Additional Information and Changes or whether it withdraws the question. Individual answers are subordinate to the general Summary of Additional Information and Changes.

Answers from Rijkswaterstaat

The Summary of Additional Information and Changes forms an integral part of this Descriptive Document.

Rijkswaterstaat assumes that there are no ambiguities with regard to the sections for which no questions have been asked.

Complaints procedure

If a Tenderer disagrees with Rijkswaterstaat's response or if Rijkswaterstaat fails to respond, the Tenderer may file a complaint with the Central Complaints Desk for Rijkswaterstaat Tendering, using the email address klachtenmeldpunt@rws.nl.

In principle, lodging a complaint has no suspensive effect.

Information meetings

Rijkswaterstaat will organise an information meeting in Teams in accordance with the planning in section 1.4. During this online meeting, Rijkswaterstaat will explain this call for tenders and the contract. The Tenderer may submit questions for this meeting in advance, until the time specified in the planning section. During the meeting, Rijkswaterstaat might provide a preliminary answer to the questions submitted. The Tenderer cannot derive any rights from the preliminary oral reply. The questions submitted will be answered definitively through TenderNed.

If the Tenderer wishes to use the invitation, it is requested, by no later than the date specified in the planning section, to confirm through 'Messages' in TenderNed who will represent its organisation. The Tenderer must also provide the name(s), position(s) and email address(es) of the representative(s).

Site visit

Rijkswaterstaat will offer the opportunity to the Tenderer to view several measurement sites. Viewings will take place at date mentioned in paragraph 1.4 Planning. To participate in the site visit, the Tenderer can register maximum of 2 persons through 'Messages' on TenderNed, stating the name and contact details of the delegate(s).

No photographs may be taken during site visits. Note: Bring a valid ID document. The Tenderers must provide their own Personal Protective Equipment, namely: working shoes, reflective work jacket, life vest (min. 275N) and a helmet.

7.5 Period of validity and Tender Application

The Tender Application submitted by the Tenderer must remain valid for six months after the deadline for submission of the Tender Application. If an application for preliminary relief is brought against the award decision notice before the competent court in The Hague, the Tenderers must keep their Tender Application valid until four weeks after the ruling in the first instance.

7.6 Alternative proposals

The Tenderer may not offer any alternative proposals other than the Tender Application in accordance with the Descriptive Document.

7.7 Costs of the Tender Application

Rijkswaterstaat does not reimburse any costs incurred in drawing up and producing a Tender Application, including any more detailed information that may be required.

Any costs or damage that may be incurred by not awarding this tender (to the Tenderer) will be at the Tenderer's expense and risk.

7.8 Discontinuation of the call for tenders

Rijkswaterstaat reserves the right to discontinue all or part of the call for tenders, temporarily or definitively, until the date of signature of the envisaged Agreement. In such a situation, Rijkswaterstaat will examine whether Tenderer(s) are entitled to reimbursement of any costs incurred in the context of this call for tenders.

If the procedure is discontinued, the Tenderers involved will simultaneously be informed of the reasons for this. If a Tenderer involved does not apply for provisional relief within seven calendar days of the date on which this decision is sent, no objections may be lodged as a result of that decision and it will have forfeited its right in this respect.

7.9 Order of priority of documents

If discrepancies exist between the Descriptive Document and the Summary of Additional Information and Changes, the Summary of Additional Information and Changes will prevail. Individual answers are subordinate to the general Summary of Additional Information and Changes.

7.10 Environmental, social and employment law obligations

When preparing its Tender Application, the Tenderer must take account of the obligations in the area of environmental, social and employment law under European Union law, national law and collective employment contracts and under the provisions of international environmental, social and employment law listed in Annex X to Directive 2014/24/EU. The Tenderer confirms it has done this by means of the Annex 'Statement of Agreement'.

Information on the obligations relating to the provisions in force in the Netherlands concerning taxes, environmental protection, employment protection and working conditions applicable to the Tenderer's operations during the term of the Agreement is available from:

- for provisions relating to taxes: the Tax Administration;
- for provisions relating to environmental protection: the Central Government;
- for provisions relating to employment protection and working conditions: the Ministry of Social Affairs and Employment.

7.11 Submission of the Tender Application

The final submission date and time for the Tender Application is set in TenderNed and is a strict deadline.

- The closing time for submission of Tender Applications, indicated by the digital countdown clock in TenderNed, is leading.
- Rijkswaterstaat can only view the Tender Applications after opening the digital safe in TenderNed. It cannot be opened until the final submission date and time have passed. Rijkswaterstaat will only deal with Tender Applications that have been found in the digital safe.
- The risk of late submission of the Tender Application and/or submission of an incomplete Tender Application lies with the Tenderer.
- Rijkswaterstaat is neither responsible nor liable for the consequences that the Tenderer suffers from a late, incorrect or incomplete Tender Application.

If TenderNed is not accessible at the cut-off time for receipt of the Tender Applications due to a fault in *eHerkenning*, in TenderNed or in the high-voltage grid, this constitutes a force-majeure situation. In that case, the cut-off time for receipt of Tender Applications may be postponed by Rijkswaterstaat depending on the situation and the consequences. The amended cut-off time for receipt of the Tender Applications will be made known through TenderNed, under 'Rectification'.

Opening of Tender Applications

Opening of the digital safe is not publicly disclosed. Rijkswaterstaat will treat the information provided by the Tenderer confidentially. The price part of the Tender Application will be opened only after the qualitative assessment has been completed.

7.12 Structure and content of the Tender Application

Below is an overview of all documents to be submitted when submitting in TenderNed and what action is required.

Number	Description	Action by Tenderer
1	Statement of Agreement	Complete Annex 5 'Statement of Agreement', duly sign it with a qualified electronic time stamp and add it to the tender in TenderNed.
2	European Single Procurement Document(s)	Complete and add Annex 6 'European Single Procurement Document(s)' to the tender in TenderNed.
3	Excerpt from the professional or commercial register	Add to the Tender Application in TenderNed.
4	Certificate of Conduct for Procurement	Can be added to the Tender Application in TenderNed. <i>(Only has to be provided upon request.)</i>
5	Tax Administration Statement	Can be added to the Tender Application in TenderNed. <i>(Only has to be provided upon request.)</i>
6	Reference Statement	Complete and add Annex 7 'Reference Statement' to the Tender Application in TenderNed.
7	Technical information: Technical description of the system offered	Complete and add Annex 8 'Technical Information Form' to the Tender Application in TenderNed.
8	The quality criteria	Detail the quality criteria according to Annex 2A: 'ADM Lot Quality Criteria Format' or Annex 2B: 'H-ADCP Lot Quality Criteria Format' and add to the Tender Application in TenderNed.
9	The prices/rates offered	Detail the quality criteria according to Annex 3A: 'ADM Lot Quotation Form' or Annex 3B: 'H-ADCP Lot Quotation Form' and add to the Tender Application in TenderNed.
10	Justification of price per location	A calculation sheet can be added to the registration on TenderNed.
11	Price List	Add to the Tender Application in TenderNed.

The Tender Application must meet the following formal requirements:

- The documents to be provided together with the Tender Application must be submitted in the prescribed PDF format.
- The Annex 'Statement of Agreement' to be signed must be signed by the Tenderer's duly authorised/legal representative *preferably* by means of a qualified electronic signature

(Public Key Infrastructure [*PKI*overheid] certificate or EU Qualified certificate).

A 'qualified electronic signature'¹ is a signature with a qualified certificate. Such a certificate is a digital file added to the original document. Special bodies, known as certification service providers, issue these certificates².

Rijkswaterstaat considers it essential that the Annex 'Statement of Agreement' is signed by a person who is authorised (to legally represent the legal entity). Rijkswaterstaat therefore calls for a qualified electronic signature because it contains the most safeguards. A qualified electronic signature gives Rijkswaterstaat the greatest possible assurance that the signature was placed by a qualified person and not by anyone else.

If the professional or commercial register indicates that only two or more persons are authorised to represent jointly, then the Annex 'Statement of Agreement' – which must have duly authorised signatures – must therefore be signed by those two or more persons. Where restrictions are included in the authorisation to represent the company, these should be taken into account.

In the case of a consortium, each consortium member who is a duly authorised/legal representative must individually sign the Annex 'Statement of Agreement' by means of a qualified electronic signature.

7.13 *European Single Procurement Document (ESPD)*

By means of the Annex 'European Single Procurement Document', the Tenderer states that the mandatory and the optional grounds for exclusion, as listed in Part III of the ESPD do not apply to it. The entrepreneur also states through Part IV of the ESPD that it meets the required suitability requirements. (Note: Part IV of the ESPD uses the term selection criteria; that term refers to the suitability requirements as stated in the Public Procurement Act).

For submission of the Tender Application in consortium with other companies, please refer to the section 'Tendering in consortium' and/or 'Tendering with a third party or third parties' which indicates who, in that case, must submit the completed 'European Single Procurement Document' on submission of the Tender Application.

7.14 *Tendering in consortium*

Tendering can take place either independently or as an alliance (in consortium). Where two or more entrepreneurs submit a Tender Application jointly as a consortium:

- each participant in the consortium is jointly and severally liable for the performance of the obligations arising from the Tender Application and for the performance of the Agreement;
- each consortium member must separately complete the Annex 'European Single Procurement Document', which must set out:
 - o who the consortium members are (see Part II of the 'European Single Procurement Document');
 - o which role the respective consortium member fulfils;
 - o who is in charge (main contractor status) of the consortium and acts as the responsible legal representative. The main contractor must therefore be authorised to bind the consortium and to act on its behalf. The main contractor is the organisation – on behalf of the consortium – with whom Rijkswaterstaat communicates about progress and to whom Rijkswaterstaat makes the payments;

¹ Electronic signatures that comply with this standard include: *PKI*overheid, EU Qualified, or other STORK IV signatures, as well as advanced electronic signatures created with a qualified electronic signature creation device, based on a qualified certificate for electronic signatures as defined in Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014.

² The qualified trust service providers are included by the Member States on what is known as a 'trusted list'. Every Member State should inform the European Commission about the trusted lists. In turn, the European Commission has merged all the 'trusted lists' into a tool that is easily found online. This tool allows access to the 'trusted list' for each Member State. The Tenderer can therefore consult as to which certificate service providers in a Member State are qualified trust service providers and are authorised to issue a qualified certificate. The Dutch government uses a certificate issued by Public Key Infrastructure (*PKI*overheid).

- Each consortium member who is a duly authorised/legal representative must sign the Annex 'Statement of Agreement' by means of a qualified electronic signature.
- Each consortium member must provide the supporting documents required for its share in this call for tenders.

7.15 Tendering with reliance on third-party capacity

The Tenderer (whether or not in consortium) may rely on the capacity of one or more third parties to show compliance with the stated Suitability Requirements. If that is the case, the Tenderer must list the suitability requirement(s) for which it is relying on the capacity of third parties in Part II C of the 'European Single Procurement Document'.

Using the experience of one or more third parties in the references or relying on a third party in respect of their education and professional qualifications, is permitted only if the third party or third parties is/are used to perform this Agreement and the Tenderer is actually able to have access to the knowledge and experience of the relevant third party or third parties and will actually use them to perform the contract.

If the Tenderer relies on a third party's capacity, a separate 'European Single Procurement Document' must be provided for each of the third parties concerned, containing the information requested in Sections A and B of Part II and the whole of Part III. This form must be duly completed and signed by the third party concerned. The duly authorised/legal representative of the third party may choose whether to sign with a qualified electronic signature or with an original handwritten signature (in the latter case, the document must be scanned after signature).

Note: If the Tenderer relies on one or more third parties, they must sign this 'European Single Procurement Document' themselves. The submission of a 'European Single Procurement Document' by a subcontractor without a signature and then signed or co-signed by a subcontractor on the Annex 'Statement of Agreement' is thus not permitted.

For verification purposes, the supporting documents of the Certificate of Conduct for Procurement (CCP) and the Declaration of Payment Behaviour compliant with tax obligations to the Tax Administration are requested (do not submit this together with the Tender Application. Only provide this on request). For more information, refer to 4.1.

The Tenderer is fully liable for the fulfilment of the obligations arising from the Tender Application as well as for any performance of the contract. The Tenderer is additionally liable for compliance with the obligations of third parties/subcontractors that it hires.

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

7.16 Single Tendering

A natural person, company or other legal entity may submit a Tender Application only once, either individually or in consortium with other natural persons, companies or other legal entities, or as a subcontractor who is relied upon by the Tenderer to meet the stated Suitability Requirements.

In this respect, Tenderers who are associated with each other through a relationship of dependence (group relationship) may participate in this tendering procedure. This is subject to the express condition that they participate in this call for tenders as competitors. It must be demonstrated by way of a statement that their interrelationship has not affected their tendering behaviour in the context of this public tendering procedure and has not impeded fair competition.

Rijkswaterstaat does not consider tendering for multiple lots as the submission of multiple Tender Applications.

7.17 Communications and language

During the tendering process, communications with Rijkswaterstaat and completion of the Tender Application must be done in Dutch or English.

7.18 General terms and conditions

The Tenderer's trade association's terms of delivery, payment and/or other general terms and conditions – however named – are expressly not accepted. The General Government Terms and Conditions for IT Contracts 2022 (ARBIT-2022) apply to the Agreement.

7.19 Agreement

The draft Agreements and the accompanying General Terms and Conditions are included in the Annexes. In the question-and-answer session, Tenderers have the opportunity to ask questions, make comments and submit substantiated wording proposals.

Rijkswaterstaat is free to decide whether or not to accept the proposed wording proposals. In the Summary of Additional Information and Changes, Rijkswaterstaat will indicate whether it has accepted or rejected the proposals.

7.20 Explanatory note to and verification of the Tender Application

Rijkswaterstaat may require the Tenderer to clarify and/or provide supporting documents with its Tender Application. Rijkswaterstaat is entitled, but not obliged, to check all submitted data and statements based on the Tender Application for accuracy.

7.21 Public Administration (Probity Screening) Act (BIBOB)

During the tendering procedure, Rijkswaterstaat can make use of the Public Administration (Probity Screening) Act [*Wet Bevoordeling Integriteitsbeoordelingen door het Openbaar Bestuur*] ('the BIBOB Act'). Among other things, the BIBOB Act aims to prevent public works contracts from unintentionally facilitating certain 'criminal' activities. Rijkswaterstaat may consult with Bureau BIBOB prior to making a contract award decision.

The recommendation that Bureau BIBOB will provide based on the outcome of its investigation will support Rijkswaterstaat in its own substantive consideration of whether to award the contract to a Tenderer.

7.22 H-ADCP Proof of Concept

After the assessment procedure has been fully completed and a ranking has been compiled, Rijkswaterstaat will invite solely the Tenderer for the H-ADCP Lot that has submitted the 'most economically advantageous tender', to carry out an H-ADCP Proof of Concept ('PoC'). The Annex 'Description of H-ADCP Proof of Concept' describes the PoC in more detail.

The result of the PoC could be:

- all requested aspects have been completed properly in practice, or;
- the findings have shown that some of the requested aspects have not been properly completed in practice.

First, Rijkswaterstaat will proceed to send the award decision notice to all Tenderers. Second, the Tenderer will be given a one-off opportunity, for a reasonable period of time, to implement and resubmit to Rijkswaterstaat for approval of all deficiencies, recommendations and improvements arising from the audit.

If approval cannot be granted, Rijkswaterstaat will end this PoC and proceed using the same procedure with the Tenderer who has been ranked second in the assessment. This Tenderer will also have to go through the same procedure. This process will continue until a Tender Application fully complies with the stipulated conditions.

After the PoC has been successfully completed, Rijkswaterstaat will simultaneously notify each Tenderer of the final award decision.

7.23 Invalidation

If a Tender Application is invalid, the Tenderer will be notified as soon as possible. If the Tenderer disagrees with the invalidation decision, it may bring an application for preliminary relief at the competent court in The Hague within twenty calendar days of the date on which this notification is sent. If application is made for preliminary relief during the aforementioned period, the applicant will be included in the assessment (under specified conditions) provided that the court rules in favour of that applicant.

The period referred to is an expiry period.

7.24 Notification of the award decision

All remaining Tenderers will simultaneously receive a reasoned award decision notice through TenderNed.

Suspensive period

Any Tenderer who disagrees with the award decision may apply for preliminary relief with the competent civil court in The Hague. The Tenderer must bring this application within twenty calendar days of the electronic transmission of the award decision. This suspensive period is also an expiry period. If the Tenderer brings an application for preliminary relief, it is requested to send a copy of the summons to Rijkswaterstaat.

The award decision is not yet an acceptance of the Tenderer's offer on grounds of Section 2.129 of the Public Procurement Act. During the twenty calendar days after the electronic transmission of the award decision, Rijkswaterstaat is not permitted to definitively award the contract by entering into the Agreement.

If an application for preliminary relief is made during these twenty calendar days, the judgment in preliminary relief proceedings will first be awaited. The judgment forms the basis for further decision-making by Rijkswaterstaat. If an application for preliminary relief has been made against the award decision, Rijkswaterstaat will inform the other Tenderers accordingly.

Interest in judgment

Any other Tenderer who has an interest in the judgment in preliminary relief proceedings may only bring proceedings by means of a third-party intervention or joinder. The Tenderer may not separately apply for preliminary relief or bring other judicial proceedings.

Annexes

The following Annexes form an integral part of this Descriptive Document. They are published together with the Descriptive Document.

! Translated into English are only the bold documents.

Annexes for each Lot:

Annex 1A: ADM Lot Draft Agreement
Annex 1B: H-ADCP Lot Draft Agreement
Annex 2A: ADM Lot Quality Criteria Format
Annex 2B: H-ADCP Lot Quality Criteria Format
Annex 3A: ADM Lot Quotation Form
Annex 3B: H-ADCP Lot Quotation Form
Annex 4A: ADM Lot BPQR Calculation Sheet
Annex 4B: H-ADCP Lot BPQR Calculation Sheet
Annex 8A: Technical Information Form ADM
Annex 8B: Technical Information Form H-ADCP
Annex 9A: Tender Specification ADM (TSG, TSP and TSR):
 Tender Specification General
 Tender Specification Process & TSP OL040 Non editable diagrams
 Tender Specification Requirements
 Annex to Tender Specification: A, B, C, E, F, G, H, I, J, K en M

Annex 9B: Tender Specification H-ADCP (TSG, TSP and TSR):
 Tender Specification General
 Tender Specification Process
 Tender Specification Requirements
 Annex to Tender Specification: A, B, C, E, F, G, H, I, J, K en M

Annexes for both lots:

Annex 5: Statement of Agreement
Annex 6: European Single Procurement Document
Annex 7: Reference Statement
Annex 10: General Government Terms and Conditions for IT Contracts 2022 (ARBIT-2022)
Annex 11: Policy Document on Separation of Interests
Annex 12: 'Electronic invoicing to Central Government' brochure
Annex 13: Guide *Groeituin* Social Return 2022

Annex for lot H-ADCP:

Annex 14A Proof of Concept H-ADCP (will follow)