





206

TENDERING GUIDANCE

European tender

Project number:	P000176
Project name:	Replacement VTS radar system Groningen Seaports (NL)
Date:	6 november 2024
Reference:	20241007AH0000560531
Version	1.0

1 Definition of terms 4
1.1 Annexes 4
1.2 Tendering phase documents 4
1.3 Contract 4
1.4 Client/contracting authority 4
1.5 One or more lots 4
1.6 Standard form 4
1.7 National tender price. 4
1.8 Ceiling amount 5
2 The contract 6
2.1 Reason for the contract 6
2.2 The contract 6
2.3 Tendering for the contract in cooperation with other businesses 7
2.3.1 Holding company/subsidiary 7
2.4 Variants 7
3 Timetable of the tender procedure 8
3.1 General 8
3.2 Submitting questions for the “Summary of Additional Information and Changes” 8
3.3 Dynamic “Summary of Additional Information and Changes” 8
3.4 Questions about contract documents 8
3.5 Summary of Additional Information and Changes 8
3.6 If there is a legitimate commercial interest (Section 2.53(2) of the Procurement Act 2012) 9
3.7 Site visits 9
3.8 Submitting the tender 9
3.9 The tender date 9
3.10 Assessment of the tender 10
3.11 The tender assessment team 10
3.12 Award decision 10
3.13 Timetable of the tender procedure 11
4 Procedure and procedural rules 12
4.1 Tender submission implies agreement to the procedural rules 12
4.2 Tender 12
4.3 Communication and language 12
4.4 Disruption of free competition 12
4.5 Intellectual property of tender documents 12
4.6 Provided data and verification 13
4.7 Reservation 13
4.8 Reimbursement of costs 13
4.9 Tendering costs 13

4.10 Prices and costs 13
4.11 Period of validity and price guarantee 14
4.12 Confidentiality 14
4.13 Discrepancies 14
4.14 Equivalence 14
4.15 No legal force 14
4.16 Complaint procedure for tender procedures 15
4.17 Disputes 15
4.18 Personal-data protection 15
5 European Single Procurement Document (ESPD) 16
5.1 General 16
5.2 ESPD – part IV 16
5.2.1 Financial-economic standing 16
Technical competency: Quality assurance and certification 16
5.2.2 References 17
6 Award criterion best price - quality ratio 18
6.1 Award criterion 1: Quality 18
6.1.1 Criteria 18
6.1.2 BPQR sanctions 19
6.2 Award criterion 2: Price 19
6.2.1 Quotation 19
6.2.2 The ceiling amount 19
6.3 Score example BPQR 20
7 Documents to be submitted for your tender 21
7.1 Submitting the tender 21
7.2 Opening the tenders 21
7.3 Format for submitting the information 21
7.4 Documents to be submitted by the tenderer 21

1 Definition of terms

The terms used in this tendering guidance are defined in Section 1.1 of the Procurement Act or in this chapter.

1.1 Annexes

Annexes to the tendering guidance, being:
Annex A – Schedule of Requirements with annexes
Annex B - European Single Procurement Document (ESPD)
Annex C – References form
Annex D – Model third-parties statement
Annex E – Use of personal data consent form

1.2 Tendering phase documents

All the documents introduced by Groningen Seaports in this procedure. They include at least this document, the documents referred to in paragraph 1.1 and the Summary of Additional Information and Changes, and their amendments.

1.3 Contract

- Groningen Seaports will issue a one-off contract to replace the VTS radar system.
- A maintenance contract for a period of ten years will also form part of the contract.

More information and specific substantive information about the contract is included in chapter 2 of this tendering guidance.

1.4 Client/contracting authority

Groningen Seaports n.v.
Handelskade Oost 1
PO Box 20004
9930 PA Delfzijl

Reference	: P000176
Department	: Nautical Service Centre
Contact person	: C.M. Oosterveld
Available at	: TenderNed/Message or by telephone on +31 (0)596 640400

1.5 One or more lots

The contract consists of one lot, as the work constitutes a coherent whole. Furthermore, by offering the work in this way, without dividing it into lots, Groningen Seaport aims to prevent inefficiency and additional costs for both the market players and itself. The work concerns a coherent whole, which makes it unattractive to divide it into several lots from a structural, organisational, or financial point of view.

1.6 Standard form

Form included by Groningen Seaports in the annexes to the tendering guidance with the aim of achieving maximum comparison of the information provided by the tenderers. The standard forms are the compulsory format for supplying information. This means that the tenderer may not amend or supplement the text as it deems fit. If the standard forms have been amended or supplemented nevertheless, the tenderer will be excluded from this tender without any reimbursement of the costs.

1.7 National tender price.

The tenderer’s tender price, decreased by the added value allocated for each best price-quality ratio (BPQR) criterion.

1.8 Ceiling amount

The ceiling amount is the maximum sum the Client has budgeted for this Order. The total tender price should be below the ceiling amount.
The ceiling amount for this order is € 2,000,000, excluding VAT.
The ceiling amount for an SLA with a term of 10 years is € 2,000,000, excluding VAT and indexation. See chapter 6 for more information.

2 The contract

2.1 Reason for the contract

Groningen Seaports is responsible for safe and smooth shipping in the ports of Delfzijl and Eemshaven. Shipping in the ports is supported remotely by the HCC (Harbour Control Centre). The HCC is staffed 24/7 and uses a VTS radar system, a camera system, and a VHF system to communicate with shipping.

The current radar system is no longer supported by the supplier, necessitating Groningen Seaports to replace the system in full.

Groningen Seaports is responsible for safe shipping in the ports, and consequently the radar should provide optimum performance. The area around the port, including a large part of the river Eems, should also have good radar coverage.

2.2 The contract

In essence, the service to be provided consists of:

- To supply, configure, install and to hand over a complete ready-to-use VTS-Radar system, including radars, aerials, the required hardware and software, and network components.
- Software in ownership (Licence with unlimited validity).
- Service and maintenance for ten years.
- Annual refresher training for the users.
- To improve the quality of the radar picture compared to the current radar.

2.3 Tendering for the contract in cooperation with other businesses

If the tenderer is unable or does not wish to perform the contract independently, there is an option to submit a tender in cooperation with other businesses. This can be done in two different ways:

1. as a consortium of individual businesses.

> In that case, all the businesses pertaining to the consortium accept joint and several liability for any performance of the contract. When you register as a tenderer, a consortium is not expected to have a specific legal form already. When you register as a tenderer, there is one lead contractor and point of contact who also fulfils this role during the performance if the order is awarded to the consortium. However, when the contract is awarded definitively, the consortium may be required to adopt a specific legal form if this is necessary for the proper performance of the contract. The members of the consortium must in any case demonstrate that they actually cooperate in a consortium on Groningen Seaports' demand. This can be achieved by presenting a cooperation agreement that arranges the cooperation within the consortium for the term of the contract.

2. as lead contractor with subcontractors (cooperation with third parties).

> In the case of subcontracting, the lead contractor has full joint and several liability for any performance of the contract. Groningen Seaports may request the tenderer to specify which part of the contract it intends to subcontract to third parties and which subcontractors it proposes.

Note:

1. Tenderers should give careful consideration to cooperating with other businesses in a consortium or as a lead contractor/subcontractors. After submitting the tender, it is - in principle - no longer possible to amend this tendering method[1]. This means that, in principle, the composition of the cooperation may not change throughout the entire term of the contract.
2. A company may not participate in both a consortium or as subcontractor or in different subcontracting situations. You may only tender once: either as part of the consortium, or as lead contractor/subcontractor.

2.3.1 Holding company/subsidiary

If the tenderers are different businesses that belong to the same group or the same holding company, they can submit a separate tender in principle. In that case, they must be able to demonstrate that they have submitted a tender completely independently from each other, and that there is no distortion of the competition.

If the businesses that are part of the same group or holding company are unable to supply the requested evidence, all the relevant businesses will be excluded from further participation in the tender procedure[2].

2.4 Variants

Variants are not permitted in the context of this tender procedure.

1 In principle, the composition of a cooperation (consortium) cannot be amended, as this is deemed an essential amendment in the context of the Pressetext ruling (CJEU case C-454/06 of 19 June 2008). The CJEU case C-91/08 (the Wall AG ruling) of 13 April 2010 holds that changing a subcontractor is an essential amendment if this was a decisive element in concluding the contract because the subcontractor has special knowledge of expertise.

2 This provision is based on a ruling of the CJEU: case C-538/07 of 19 May 2009 (Assitur ruling).

3 Timetable of the tender procedure

3.1 General

Groningen Seaports published an announcement of the order for this European restricted or negotiated tender via TenderNed. This choice of this tender procedure is in accordance with the Groningen Seaports tender policy.

This tender procedure takes place fully electronically via TenderNed (www.TenderNed.nl). This means that both tendering and all communication take place digitally via TenderNed. If you have any questions about how to use TenderNed, please visit the TenderNed website, where you will find a user guide and the telephone number of the helpdesk.

3.2 Submitting questions for the "Summary of Additional Information and Changes"

- Questions may only be asked in writing via TenderNed/Questions.
  If you submit questions in any other way, they will not be dealt with.
- When you ask questions, please refer to the page number, article number, section number and lot, where possible, whilst stating the name of the relevant tender document.
- Bundling questions is not allowed.
- The questions must be received no later than the date set out in paragraph 3.13. Any requests for information received by Groningen Seaports after that date or received incorrectly (i.e. via a route other than TenderNed/Questions) do not have to be answered.
- Questions by telephone about the content of the tender documents will not be answered. Neither is it permitted to approach people from the organisation of Groningen Seaports with specific questions about the content of this tender procedure.
  If Groningen Seaports notices that its staff are approached by telephone by staff of tenderers, Groningen Seaports may decide to exclude those tenderers from further participation in this tender procedure without reimbursing any incurred costs.

3.3 Dynamic "Summary of Additional Information and Changes"

As soon as the order has been published on TenderNed, you may ask questions. It is not necessary to wait until the deadline for submission. Groningen Seaports will answer the questions as quickly as possible. The answers are immediately visible to the businesses concerned. This means the requested information is immediately available and reduces the chance of repeated questions.

3.4 Questions about contract documents

Groningen Seaports offers you the opportunity to submit questions and comments for the Summary of Additional Information and Changes about all contract documents and to propose any new or alternative texts. Alternative or new texts must be drawn up as amendment proposals for existing texts and for new provisions and/or articles to be added. Alternative and new texts must be submitted with an explanation. Without an explanation, Groningen Seaports will not be able or insufficiently able to assess whether or not the draft text should be amended. In such cases, the original text will prevail and/or new texts will not be added.

Groningen Seaports will carefully examine all questions and comments, as well as alternative and new texts, and will decide whether the contract documents should be amended. If Groningen Seaports decides not to include an alternative or new text, it will explain its reasons. All answers will be included in the Summary of Additional Information and Changes. The definitive text of the contract documents will be sent with the Summary of Additional Information and Changes, ensuring that all tenderers are clear on what they agree to.

3.5 Summary of Additional Information and Changes

The Summary of Additional Information and Changes will be published on TenderNed no later than the date set out in paragraph 3.13. Candidates must download the Summary of Additional Information and Changes from TenderNed (www.tenderned.nl).

3.6 If there is a legitimate commercial interest (Section 2.53(2) of the Procurement Act 2012)

A business intending to submit a tender may request information that is not included in the Summary of Additional Information and Changes on the basis of a legitimate commercial interest pursuant to Section 2.53 (2) of the Procurement Act 2012. Groningen Seaports offers each potential tenderer one opportunity to do so. See paragraph 3.13 for the time period.

The potential tenderer must submit a request to that effect via TenderNed/Messages, explaining its reasons. If the request is granted, Groningen Seaports will make an appointment by mutual agreement which will last a maximum of one hour. Groningen Seaports will draw up an official record of the discussion, which will be sent to the business with the legitimate commercial interest via TenderNed. The other candidates will be notified in the Summary of Additional Information and Changes that information has been provided in the context of a commercial interest. This official record will be sent at the same time as the Summary of Additional Information and Changes.

3.7 Site visits

- Groningen Seaports provides candidates with the opportunity to visit the radar sites. The visit is held at the time set out in paragraph 3.13.
- During the visit of the radar sites, all tenderers are given a tour as group at the same time and the relevant rooms on the radar site are visited. You may make notes, take measurements, and take photos.
- You cannot ask any verbal questions during the visit. They should be gathered and submitted in writing for the Summary of Additional Information and Changes.
- A maximum of two persons per tenderer may attend the visit.
- You can register for the visit on TenderNed/Messages. You will receive the final invitation after having registered.

3.8 Submitting the tender

Tenderers are asked to submit a digital tender, based on the tender documents, via TenderNed. The closing date for submitting a tender is the date and time set out in paragraph 3.13. Tenders that are submitted too late are rejected and excluded from further participation in this tender.

If there is a problem with the TenderNed website and the tenderer is unable to submit its tender on time, i.e. before the safe closes, a procedure applies which equals that of Sections 2.109 and 2109a of the Procurement Act 2012 (cf. Section 3.72 of the same Act). As Groningen Seaports may not look at the tenders (may not open the safe) in order to apply these Sections, it is important that you contact Groningen Seaports and TenderNed in the event of a website fault by telephone in good time.
To prevent disappointments due to being late in reporting such a fault to Groningen Seaports and TenderNed (which would mean you have wasted your time preparing your tender), it is advisable to start uploading your offer to the safe well before it closes rather than wait until just before the safe is due to close.

3.9 The tender date

The tender date is the time set out in paragraph 3.13. The TenderNed safe is opened at the time set out in paragraph 3.13. Tenderers cannot be present at this. They will receive an official record of the opening of the safe via TenderNed no later than two days after the safe has been opened.

3.10 Assessment of the tender

Once the safe has been opened, it is established first of all whether the tender is complete and correct. This means it will be checked whether all the requested documents are actually present, whether these documents are complete and have been completed in accordance with the Schedule of Requirements, and, if applicable, whether they have been signed by an authorised representative, evidenced by a power of attorney or the extract of the Register of Companies.

If there is a discrepancy in the information provided in the European Single Procurement Document, Groningen Seaports will provide the tenderer with the opportunity to rectify this within two working days of its request to do so, in accordance with Article 2.21.6 of the Works Procurement Regulations (ARW) 2016. If Groningen Seaports does not receive the requested information within the period set for this purpose, or if the discrepancy has not been rectified by the answer provided, the tenderer will be excluded from further participation in this tender procedure without reimbursement of the costs.

Moreover, Groningen Seaports may ask for additional information or a further explanation on the basis of Article 2.33.2 ARW 2016, but is not obliged to do so. If it does, it will be with due regard to procurement law and the corresponding case law (e.g. CJEU, 29 March 2012, C-599/10 SAG and CJEU, 10 October 2013, C-236/12 Manova).

Once any additional information/explanation has been received, Groningen Seaports will assess the content of the submitted tender and decide which tenderer will be awarded the contract.

3.11 The tender assessment team

The tenders will be assessed independently from each other by an assessment team of four representatives of Groningen Seaports. The individual assessments will be compared and checked in an assessment meeting. The assessment committee then adopts the definitive assessment. Only then, will the tender sum be revealed to the assessors. Then the provisional award decision is drawn up.

3.12 Award decision

On the date set out in paragraph 3.13, the provisional award decision is announced to all tenderers simultaneously via TenderNed. This provisional award decision includes the name of the winning tenderer and a list of the submitted prices, which means the tenderer can see its own ranking. The winning tenderer cannot derive any rights from this provisional award decision, as this notification does not entail an acceptance of its bid as provided for in Section 6:217(1) of the Netherlands Civil Code.

If a provisionally rejected tenderer institutes interim-relief proceedings within the applicable objection period, Groningen Seaports will notify all tenderers of the this. In that case, the winning tenderer must intervene in these interim-relief proceedings, at the risk of forfeiting the right to object to any amended award intention. Groningen Seaports will not conclude the intended contract until the interim-relief court has taken a decision about the request to take interim-relief measures.

The award decision becomes final when there are no further legal obstacles, the winning tenderer has received a contract letter and the rejected tenderers have received a final rejection.

3.13 Timetable of the tender procedure

This tendering guidance includes the timetable for the tender procedure, which is as follows:

ACTIVITY	DATE/TIME
Publication of the announcement and tender documents on TenderNed	6 November 2024
Viewing of the site	25 November 2024
Questions in the context of justifiable commercial interest	9 until 27 November 2024
Deadline for receiving questions prior to the tender	2 December 2024, 12.00 hours
Publication of the Summary of Additional Information and Changes of the tender phase	12 December 2024
Deadline for receiving tenders	21 January 2025, 11.00 hours
Opening the safe with tenders	21 January 2025, 11.30 hours
Interviews	23 January 2025
Publication of the official record of the tender	27 January 2025
Sending the award decision	30 January 2025
Objection period of at least 20 days (stand-still period)	31 Januari until 20 February 2025
Sending the award and rejections	20 February 2025
Publication of the announcement of the awarded contract	21 February 2025

This is an approximate **timetable** and the dates are target dates. Should it become apparent that these deadlines cannot be met for whatever reason, Groningen Seaports shall notify the tenderers, stating the new target dates. The tenderer cannot derive any rights from the dates included in the timetable.

4 Procedure and procedural rules

4.1 Tender submission implies agreement to the procedural rules

By submitting a tender, the tenderer agrees to all the provisions set out in this document.

4.2 Tender

Tenders:

- in which documents are missing when the safe is opened and which are therefore incomplete, and/or;
- in which the different documents have not been supplied in accordance with the specifications and/or;
- stating conditions, making them tenders subject to conditions;
- not signed by an authorised representative as demonstrated by the Register of Companies of the Chamber of Commerce,

are not valid and will be excluded from further participation in this tender procedure without the tenderer having any right to reimbursement of incurred costs.

Tenders must be supplied in a standard format (Word, PDF, Excel). If this is not the case, the tender will be declared invalid and excluded from further participation in this tender procedure.

Strategic tendering is not forbidden. However, in that case the tenderer must bear in mind the following four points:

- the tenderer must tender realistically and transparently. A price of zero euro and negative prices are not deemed to be realistic and transparent.
- it is not permitted to tender with symbolic prices. The tenderer may not quote an extremely low amount for fixed periodic (weekly, monthly, annually, etc.) recurring costs for the term of a contract that does not fit in with and is not in line with the system of the Schedule of Requirements;
- the tenderer may not apply “price dumping” (an abnormally low quote) and “predatory pricing” (abusing an economic position of power within the meaning of Article 102 of the Treaty on the Functioning of the European Union, previously Article 82 of the EC Treaty);
- the tenderer may not abuse the award system (manipulative tendering).

If the tenderer fails to take the above points into account, its tender will be declared invalid and the tenderer will not be entitled to reimbursement of any incurred costs. The tenderer will be excluded from further participation in this tender procedure.

4.3 Communication and language

All communication, both verbally and in writing, takes place in the Englisch language. This applies to this tender procedure and the performance of the contract. An exception is made for documents originally written in a different language, such as technical descriptions of materials and references or testimonials of foreign tenderers.

4.4 Disruption of free competition

Any attempt by the tenderer (or any party acting on behalf of the tenderer with or without its knowledge) to influence Groningen Seaports or the assessment team during the tender procedure will lead to exclusion from further participation in the tender procedure.

4.5 Intellectual property of tender documents

Subject to exceptions determined by legislation or regulations, no part of these tender documents may be multiplied or published (other than for the purpose of this tender procedure) by means of print, microfilm, photocopy or otherwise without written permission from Groningen Seaports.

4.6 Provided data and verification

Groningen Seaports reserves the right to check the accuracy of all data and to gather further information where necessary. Groningen Seaports shall always do so with due regard to procurement law, i.e. in such a way that the content of the tender is not changed.
Groningen Seaports assumes that all requested information has been completed and provided truthfully. If this proves not to be the case, the relevant tenderer shall be excluded from further participation in this tender procedure at that point.

4.7 Reservation

In the event of unforeseen circumstances, Groningen Seaports reserves the right:
- to halt this tender procedure temporarily or permanently;
- to change the timetable (with due observance of the terms prescribed by law);
- not to award the contract.

Groningen Seaports cannot be held responsible or liable for these risks as long as there has been no final award/contract.

4.8 Reimbursement of costs

Due to the reservation specified in paragraph 4.7, tenderers are not entitled to reimbursement of any costs incurred in the context of this tender procedure. By submitting a tender, the tenderer agrees to this condition.

4.9 Tendering costs

Groningen Seaports does not offer any reimbursement for submitting a tender, as the tendering costs are in proportion to the nature, value and scope of the contract.

4.10 Prices and costs

- Prices and costs must be stated in euros, exclusive of VAT.
- Prices are fixed for the entire term of the contract.
- Prices for service end maintenance may be indexed annually
- Adjusted in accordance with Statistics Netherlands price index figure

01. Only the change in costs for the SLA can be adjusted on the basis of the Statistics Netherlands Services Price Index (DPI), input price index 2021=100 (https://www.cbs.nl/nl-nl/cijfers/detail/85817NED)

02. Changes in costs within 12 months of the ‘start maintenance’ date are not adjusted. After the first year of maintenance, the following applies: adjust on the basis of the price index figure

03. After the first year of contract (SLA), the following applies: adjust on the basis of the Statistic Netherlands price index figure once a quarter in accordance with paragraph 01. The index figure applied to the tender and the implementation is the figure of the first month of the quarter. In other words: for a tender in January, February or March, the price index figure of January applies, and work carried out in January, February and March is adjusted on the basis of the index figure for January. Adjustment regarding the risk scheme should be submitted as a separate invoice.

04. Changes are adjusted on the basis of the formula: ((Index U - Index A) / Index A) x the instalment amount.
    - Index A = Statistics Netherlands price index figure on the date of the tender
    - Index U = Statistics Netherlands price index figure in the quarter of implementation
    - Instalment amount = quarterly instalment

4.11 Period of validity and price guarantee

The tender, including the annexes, must be valid for at least 90 days following its submission. This period of validity can be extended at the request of Groningen Seaports. The submitted tender is unconditional and binding for the duration of the period of validity.

4.12 Confidentiality

All tender documents shall remain strictly confidential and may only be shown to staff and any consultants who have to take cognisance of them in order to be able to submit data. Groningen Seaports and any consultants it engages shall treat the submitted documents with the same degree of confidentiality. Subject to statutory provisions, the documents shall only be shown to staff who are directly involved in the tender procedure.

4.13 Discrepancies

The tender documents and all the corresponding annexes have been prepared with the greatest possible care. They may nevertheless contain ambiguities or imperfections. Groningen Seaports expects a proactive attitude from the tenderer, which means that the tenderer must report any ambiguities or imperfections in the tender documents to Groningen Seaports in writing as soon as possible, and at a time these ambiguities or imperfections may still be remedied, i.e. no later than one calendar day before the Summary of Additional Information and Changes is sent. In other words, the tenderer must examine the documents and warn Groningen Seaports forthwith in writing if the provided information contains any ambiguities or imperfections that would cause it to act in contravention of the requirements of reasonableness and fairness if it were to build on this information without warning in case the tender is awarded.

If and insofar as the tenderer uses the provided information:
- it is deemed to have checked its content in full, and
- it adopts that content and accepts exclusive responsibility for it.

Once the deadline for submitting the tenders has passed, a tenderer can no longer object to any ambiguities or imperfections in the tender documents. Therefore, the tenderer forfeits its right to object after submitting the tender to any breaches of the law in general and procurement law in particular or their consequences should they occur in the tender documents, and the tenderer is deemed to have agreed to the content of the documents unconditionally and in full. This means that Groningen Seaports will not be liable in any way for the consequences of any ambiguities or imperfections in the tender documents, and even more so if the tenderer has not asked any questions for the Summary of Additional Information and Changes. These ambiguities or imperfections in the tender documents are then at the tenderer’s risk.

4.14 Equivalence

Where a brand or factory name is mentioned in the tender documents, it must be read with the addition “or equivalent”.

4.15 No legal force

It is not permitted to make oral statements, promises or agreements within the context of this tender procedure and these will have no legal force.

4.16 Complaint procedure for tender procedures

Groningen Seaports has decided not to set up a voluntary internal complaints procedure. If the tenderer wishes to submit a complaint, this can be done as follows:

- Pursuant to title 9.1 of the General Administrative Law Act;
- By submitting a complaint to the Committee of Procurement Experts. The approach of this Committee is described in the document “Complaints procedures for Tenders”, Part 2 of the Committee of Procurement Experts (dated 07 March 2013). For general notes, we refer to this document (www.pianoo.nl or www.ez.nl)

On the basis of “Complaints procedures for Tenders”, you should always submit a complaint to Groningen Seaports first before you submit a complaint to the Committee of Procurement Experts.

4.17 Disputes

A dispute between those involved in the tender procedure arising from this tender procedure - including any dispute that is regarded as such by only one of the parties involved - will be settled exclusively by the competent court of the Northern Netherlands District Court, location Groningen.

4.18 Personal-data protection

The General Data Protection Regulation (GDPR) has been effective since 25 May 2018. By submitting a tender you provide personal data, such as the name and contact details of the representatives of your company and your subcontractors. We need this data to determine the legal validity of the tender and the level to which your company is bound to the tender. When you submit your tender in TenderNed, you are asked to grant unequivocal permission for the processing of this personal data. You should use the form in Annex E. You are entitled to withdraw the consent by means of a message on TenderNed.

Without unequivocal permission, Groningen Seaports may not and cannot make use of this personal data, and we will unfortunately have to put your tender aside. The tender will then be regarded as not submitted.

5 European Single Procurement Document (ESPD)

5.1 General

To prove the absence of any ground for exclusion, the candidate shall complete the European Single Procurement Document (Annex A) completely and shall have it signed by the authorised signatory.

Consortium and/or relying on the competency of a third party

If applicable, every natural person or legal entity within the consortium, and the legal entities on which competency the candidate relies (in accordance with Part II section C), shall submit a separate ESPD. Legal entities with whom the candidate aims to place part of the contract but whose competency is not relied on, are included in Part II section D.

5.2 ESPD – part IV

5.2.1 Financial-economic standing

There are no suitability requirements in respect of financial and economic standing.

Technical competency: Quality assurance and certification

IMO guideline A.1158(32) Guidelines for vessel traffic services.

Timetable

The contractor must be able to complete the entire project no later than by Q2 2026.

Service

The contractor must be able to carry out the maintenance of the entire system. In the event of a fault, the contractor must be able to have a mechanic on site within 24 hours.

5.2.2 References

For each core competency of the relevant suitability requirement, the candidate is required to submit maximum one reference work by means of the reference work model form (Annex B). On the model form, the candidate shall state to which suitability requirements (core competencies) the reference work pertains.

The following applies to each reference work:

1. The reference work was carried out and completed in a period of ten years prior to the deadline for receiving the requests to participate.
2. If the reference work has not yet been completed, it must be demonstrated that the works to which the core competency pertains have been carried out and completed to the satisfaction of the Client;
3. The scope of the work that pertains to the core competency is equal to or greater than the scope identified for the suitability requirement;
4. A business (a candidate, a member of the consortium or a third party) may only rely on the experience gained in the consortium, if the business actually carried out the work to which the technical competency refers;
5. This has been carried out in a professional, regular way, and to the satisfaction of the client;
6. It was completed within the agreed period, including granted postponement of completion.

The contracting authority reserves the right to verify the suitability of the given references. The candidate is obliged to cooperate.

Reference 1:
Over the past 10 years, the contractor has supplied, installed, and maintained at least three port-related systems in Europe.

Reference 2:
The contractor has at least three comparable maintenance contracts in Europe.

If the tenderer does not have the right references, the tenderer in question is excluded from further participation in this tender.

6 Award criterion best price - quality ratio

Groningen Seaports wishes to award this contract on the basis of the best price - quality ratio.

During this tender, the tender is assessed on price and the quality on offer. To determine which tenderer makes the best offer (best price-quality ratio - BPQR), the 'award based on value method' is used. With 'award based on value', an amount is added as added value to each quality point for each 'BPQR criterion'.

'Notional tender price' = 'Tender price' – 'awarded added value per BPQR criterion'
The tenderer with the lowest 'Notional tender price' wins the tender.

6.1 Award criterion 1: Quality

6.1.1 Criteria

Criterium			Max. meerwaarde
Requirements VTS System	The requirements imposed by GSP on the system are identified in annex 04 Requirements VTS system GSP. For each item in the document, the tenderers shall set out how they will resolve this in their system. The solution will be given a score. ESSENTIAL These requirements have to be met, or tenderers will be excluded REQUIRED These requirements are highly valued and scored: 0-5 points. These points are doubled. DESIRABLE These requirements are beneficial and scored 0-5		€ 300.000
Solution problems	Annex 03 Occurring problems present VTS system GSP describes a number of situations that are currently experienced as problematic. For each item in the document, the tenderers shall set out how they will resolve this in their system. The tenderers are given the opportunity to explain the solution in an interview.		€ 200.000
Timetable	3th quarter 2025 4th quarter 2025 1st quarter 2026 2nd quarter 2026 later 0	€ 100.000 € 75.000 € 50.000 € 25.000 € 0	€ 100.000
SLA	response time. Technical assistant on site response time. Remote maintenance / problem solving availability of spare parts Training / workshops preventive maintenance	€ 75.000 € 50.000 € 75.000 € 25.000 € 75.000	€ 300.000

Interview	The tenderers will be given the opportunity to explain their tender (physically or via online meeting). This interview is part of the assessment. The aim of the interview is to provide the assessors with further information about, the action plan, the SLA and solutions for solving the current problems, which are shown in Annex 03 Occurring problems present VTS. Therefore, only the tender may be explained during the interview. No new or different information may be presented compared to the tender. Tenderers must take into account a presentation of a maximum of 30 minutes. Afterwards, a maximum of 15 minutes is reserved for questions. The interviews will take place at the time set out in paragraph 3.13. The final time for the interview will be communicated to tenderers after submission of tenders	€ 100.000

6.1.2 BPQR sanctions

If the contractor does not provide the quality in accordance with the BPQR criterion, as offered by the contractor and valued by the client, a discount scheme is applied.
Discount scheme = awarded added value (notional discount) of the BPQR criterion * 1.5. This discount is deducted from the next instalment after the client has informed the contractor of the shortcoming in writing.

6.2 Award criterion 2: Price

6.2.1 Quotation

The tenderer must submit a quotation as part of its tender, based on the tender form included in the annex to this tendering guidance

6.2.2 The ceiling amount

The ceiling amount is the maximum sum the Client has budgeted for this service. The total tender price should be below the ceiling amount. Submitted tenders with a price that exceeds this ceiling amount shall be put aside and the Tenderer in question shall be excluded from further participating in this tender.

The ceiling amount for this order is € 2,000,000, excluding VAT.
The ceiling amount for an SLA with a term of 10 years is € 2,000,000, excluding VAT and indexation.

6.3 Score example BPQR

The following illustrative calculation sets out how the assessment impacts the client's decisions.

Party A tenders for a total amount of € 3,900,000
Party B tenders for a total amount of € 3,750,000
Party C tenders for a total amount of € 4,150,000

Score on the quality criteria:

Criterion		Notional discount		
	Max.	Party A	Party B	Party C
Requirements VTS system	€ 300,000	€ 200,000	€ 250,000	€ 300,000
Solution problems	€ 200,000	€ 125,000	€ 125,000	€ 200,000
Timetable	€ 100,000	€ 100,000	€ 80,000	€ 100,000
SLA	€ 300,000	€ 225,000	€ 25,000	€ 300,000
Interview	€ 100,000	€ 80,000	€ 80,000	€ 80,000
Total notional discount	**€1,000,000**	**€ 730,000**	**€ 560,000**	**€ 1,000,000**

Notional tender price party A: € 3,900,000 - € 730,000 = € 3,170,000
Notional tender price party B: € 3,750,000 - € 560,000 = € 3,190,000
Notional tender price party C: € 4,150,000 - € 1,000,000 = € 3,150,000

Party A is awarded the order despite its higher tender price.

Party C is disqualified despite the lowest notional tender price because the tender price exceeds the ceiling amount.

7 Documents to be submitted for your tender

7.1 Submitting the tender

The tender should be submitted via TenderNed no later than at the time set out in paragraph 3.13. Tenders that are submitted too late, i.e. after the closing of the submission period, shall be rejected and excluded from further participation in the tender procedure.

7.2 Opening the tenders

The tenders are opened at the time set out in paragraph 3.13. This is not a public opening. An official record is produced of the opening of the tenders that is made available to all tenderers via TenderNed.

7.3 Format for submitting the information

Groningen Seaports imposes the following requirements on the form and structure of the tender to be submitted:

- The complete tender is submitted in digital format via TenderNed;
- The complete tender is prepared in the Englisch language;
- The requested information is submitted in a common format (Word or pdf) in the requested manner.

7.4 Documents to be submitted by the tenderer

An authorised representative of the tenderer, as proven by the Register of Companies extract, signs the tender and the associated annexes. If the authority to sign is evident from a power of attorney, the power of attorney must be appended with the quotation. If more than one person is required to sign (for example because of a shared management authority), all signatures must appear on the tender. The absence of a power of attorney and/or one or more signatures is a reason for exclusion without reimbursement of costs.

The tenderer submits a recent extract from the Register of Companies that is not older than six months on the date of submitting the tender.

List of the documents to be submitted for a valid tender:

Document	Upload in:
Annex 01 - Price sheet	TenderNed/Costs-Pricecriteria
Annex 02 - Price specification	TenderNed/Costs-Pricecriteria
Annex 03 – Occurring problems present VTS system	TenderNed/Qualitycriteria
Annex 04 – Requirements VTS systems	TenderNed/Qualitycriteria
Timetable	TenderNed/Qualitycriteria
Service Level Agreement	TenderNed/Qualitycriteria