



Tenderdocument

Public European Tender

Photonics components

Colophon

Issued by: Fontys Applied Natural Sciences & Fontys Finance and Procurement
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Acquisition resulting from this tender is not appreciated.

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Definitions

This Tender Document makes use of the following terms, which are written with a capital letter. The terms defined below may be used in both singular and plural form.

Award criterion:	The criterion applicable in determining best price-quality ratio (BPQR), lowest cost based on cost-effectiveness or lowest price (LP).
Bid:	An offer validly submitted by a Bidder in response to the Tender Document provided by the Contracting Authority.
Bidder:	The legal entity participating in the tender, either independently or in a Combination.
Client:	The Contracting Authority that awarded the contract.
Combination:	Two or more companies jointly submitting a Bid (tender offer).
Concern:	Economic association of legally independent companies under common central management, with joint results reflected in the balance sheet for the concern.
Contracting Authority:	Stichting Fontys (Fontys Foundation), having its registered office in Eindhoven.
Contract:	The written commitment for consideration between the Client and the Contractor, as set out in Appendix 1.
Contractor:	The Bidder to whom the contract has been awarded.
Coordinator:	The legal entity that is in charge of a Combination and may act as a responsible agent towards the Contracting Authority.
ESPD:	Abbreviation for: European Single Procurement Document. A declaration as referred to in Article 2.84 of the Public Procurement Act 2012.
Exclusion:	Rejection of a Bid on the grounds of a knock-out criterion or failure to meet any other requirement to which this sanction applies.
Grounds for Exclusion:	The grounds relating to the personal situation of the Bidder as stated in the Public Procurement Act 2012, to be used as a basis for Exclusion of the Bid.
Information Memorandum:	Memorandum containing the answers to questions asked by (potential) Bidders, during the tendering period, as well as clarifications issued by the Contracting Authority of its own accord.
Public Procurement Act 2012:	Legislation adopted on 1 November 2012, containing new rules on procurement, text in force from 2 March 2022, cited as the Public Procurement Act 2012.
Schedule of Requirements:	The specifications with which the performance to be delivered (service and/or supply and/or work) must comply at the time of delivery or acceptance.
Subcontractor:	An entrepreneur to whom part of the execution of an assignment has been or will be given by the Contractor.
Suitability requirement:	The requirement that concerns the suitability of the Bidder being a requirement in terms of their financial and economic standing, professional and/or technical capability.
Tender Document:	The Invitation to Tender, including the appendices, drawn up by the Contracting Authority for the purpose of the Tender Procedure, which contains all information and conditions as well as the requirements and Award Criteria for the Tender to win — and eventually perform — a public contract.
Tender Procedure:	The process consisting of a number of formal steps to arrive at the award of the contract to the Bidder with the best price-quality ratio (BPQR), lowest cost based on cost-effectiveness or lowest price (LP).
Third party:	The legal entity that the Bidder relies on for the purposes of the Tender (in terms of financial and economic standing, professional and/or technical capability) or wishes to use in the performance of the Contract.
Working days:	Calendar days excluding weekends and public holidays generally recognised in the Netherlands within the meaning of the General Terms Act.

1. Introduction

The present Tender Document contains all information about the Public European Tender for Photonics components.

All businesses that meet the minimum requirements are invited to submit a Bid. This can be done independently or in a Combination formation and potentially by using Third Parties.

The Tender Procedure must result in the award of the contract to the Bidder who has submitted the Offer with the best price-quality ratio (BPQR).

1.1. Choice of Tender Procedure

The Public Procurement Act 2012 applies to this tender. As the European threshold amount is expected to be exceeded, and no statutory exceptions apply, a European tender must be conducted. The decision was made to put this contract out to European tender through the so-called Public European Tender Procedure. This choice is based primarily on the number of expected Bidders.

1.2. Digital tendering via TenderNed

The announcement of this contract has been published on www.tenderned.nl and in the Supplement to the Official Journal of the European Union (T.E.D.).

The entire tender will be conducted digitally via TenderNed. This means that potential Bidders can download the necessary documents (including the Tender Document) via the website. Publication of the Information Memo(s) and the announcement of the awarded contract will take place on TenderNed as well. Please note that it is advisable to set up notifications on TenderNed (green button) so that you will automatically receive a notification when new documents have been published. To ask questions and submit a Bid, you must first create an account on TenderNed and be able to use E-recognition. For more information on how TenderNed works, see: www.tenderned.nl

1.3. Contact during the Tender Procedure

All correspondence in connection with this tender will take place via TenderNed. If this is not possible for technical reasons, please contact inkoop@fontys.nl. Bidders themselves are responsible for verifying whether their email messages have been received (on time) by the Contracting Authority.

The contact person for this tender is:

Name:	Ger van Rooij
Phone number:	0623158695
Email address:	inkoop@fontys.nl

Under penalty of Exclusion, it is not permitted to contact the Contracting Authority in the context of this tender in any way, in order to obtain any information whatsoever, other than via the stated contact person or individual acting in their stead. Bidder therefore also respects Contracting Authority's code of ethics regarding procurement, see [Fontys Inkoopbeleid](#)

1.4. Timetable

At several points during a Tender Procedure, potential Bidders must carry out certain timely actions. The Contracting Authority strives to adhere to the following schedule. Contracting Authority is entitled to adjust this timeline in the interim. If the schedule below differs from the schedule in TenderNed, TenderNed will always prevail.

Activity	Date	Time (C.E.T.)
Tender publication date	Tuesday 3 june 2025	
Deadline to report inconsistencies in tender document and closing date for written questions	Tuesday 1 july	10:00
Deadline for replying to questions by latest Information Memorandum	Friday 4 july	
Deadline for submission of Bids	Tuesday 15 july	12:00
Opening of 'safe'	Tuesday 15 july	13:00
Evaluation of Bids	2 weeks	
Notice of intention to award the contract	Tuesday 29 july 2025	
Target date for final award	+ 28 days	
Effective date of Contract	1 septembre 2025	

2. The Contracting Authority

2.1. Fontys University of Applied Sciences

Fontys University of Applied Sciences, hereafter Fontys, is one of the largest higher education institutions in the Netherlands, with more than 4,300 employees and almost 42,000 students. It includes 23 institutes offering Bachelor's degree programmes in full-time, part-time, dual and in-service variants, as well as Master's programmes and Associate degrees. Fontys also provides various courses and training programmes. Apart from education, Fontys focuses on research, knowledge innovation and contract activities — including in its 42 lectorates. The degree programmes are spread across a number of locations in the Netherlands, mainly concentrated in the south of the country (e.g. Eindhoven, Tilburg and Venlo).

Fontys is a foundation. The Executive Board comprises the competent authority and functions as a unit responsible for results under the Supervisory Board. The core tasks of the 23 institutes are teaching and research, each in its own market segment. Like the contract activities carried out by the institutes, research is aimed at strengthening teaching and knowledge valorisation. Lastly, seven service units perform support activities at Fontys. These are HR & Organisation, Student Facilities, Finance & Procurement, Marketing, Communication & PR, Education & Research, Information & Technology and Property & Facilities.

For more information about Fontys, please visit our website: <https://fontys.nl>

2.2. Fontys Applied Natural Sciences

The Applied Natural Sciences programme at Fontys University of Applied Sciences in Eindhoven is a unique and practice-oriented higher professional education (HBO) programme, focused on the application of scientific knowledge in modern technology and industry. Located in the technological hub of Brainport Eindhoven, the programme offers students an inspiring learning environment at the heart of a network of innovative companies and research institutions.

At TNW, the integration of theory and practice is paramount. Students gain a solid foundation in core disciplines such as chemistry, physics, materials science, and biotechnology, and apply this knowledge in realistic projects and industry-related challenges. Fontys TNW utilises modern laboratories and advanced facilities, providing students with hands-on experience using state-of-the-art technologies. The programme also places strong emphasis on internships and graduation projects in collaboration with companies, enabling students to engage with real-world practice early in their studies.

Due to its location in Brainport Eindhoven, the programme maintains close partnerships with leading companies such as ASML, Philips, and VDL, ensuring strong alignment with labour market needs. TNW graduates are highly versatile and in demand across various sectors, including the high-tech industry, sustainable technologies, medical technology, and the chemical industry. Career paths range from product developer and process engineer to researcher or innovation consultant. With a combination of innovative teaching methods, practice-based projects, and strong industry connections, Fontys TNW offers an excellent foundation for anyone who wishes to use natural sciences to contribute to a better and more sustainable world.

2.3. Our social mission

'Development' is incontrovertibly a core concept within Fontys. Young people develop their talents as students in our programmes, where we develop relevant practical knowledge. Working professionals can pursue life-long learning and development at Fontys alongside their jobs. For our part, we respond flexibly to radical social developments, and - last but not least - we develop ourselves by sharing knowledge and skills within our community. Only in this way can our students, professionals and graduates continue to make a meaningful contribution to society.

We operate at the heart of society. In so-called hybrid learning and research environments, students, lecturers, researchers and the professional field work together across borders - and as a result, both teaching and research and learning and working become increasingly intertwined. Our main 'social value' is therefore the development of talent and knowledge.

Fontys is a multidisciplinary university of applied sciences in the south of the Netherlands. Together with and for the professional field, both national and regional, we provide high-quality higher professional education and conduct innovative practice-based research. In this way, we contribute to the vigorous development of a vital, inclusive and sustainable society. See also: [Fontys for society](#)

3. The assignment

3.1. Description of the assignment

3.1.1. Background

In recent years, Fontys Applied Natural Sciences (TNW) has increasingly been purchasing photonics components, and this trend is expected to continue in the coming years.

At this moment, Fontys TNW is not yet able to determine which specific components it expects to purchase in the future. Therefore, it is looking for supplier(s) with a broad and deep range of photonics components, with whom it wishes to enter into a framework agreement to meet its future needs for such components.

3.1.2. Objective of the assignment

Fontys Applied Natural Sciences (TNW) has increasingly been purchasing photonics components over the past few years, and this trend is expected to continue in the coming years. This is partly due to Fontys TNW becoming a recipient of growth fund subsidies in the areas of Quantum Delta and Photonics. Participation in these growth funds has led to a growing need for photonics components.

Fontys therefore wishes to contract multiple suppliers, enabling it to procure components - wherever possible - under the most favorable conditions available to them in terms of price and delivery.

3.1.3. Size and scope of the assignment

Over the next four years, the total expenditure on photonics components is estimated at €150.000,- to €250.000,-, excluding VAT. This amount is based on the increased demand within Fontys TNW in recent years and the expectation that this trend will continue.

3.1.4. Description of potential components to be acquired

Photonics components are the building blocks of technologies that use light (photons) to transmit, process, detect, or manipulate information. Photonics, also known as light technology, includes a wide array of applications such as communications (fiber optic networks), sensors (e.g., for medical or environmental measurements), imaging (such as in microscopes and cameras), and energy (e.g., solar power). These components can serve either active or passive functions. Active components generate or detect light, while passive components manipulate or transmit light without directly altering it.

Below is an overview of the main types of photonics components and their applications.

1. Light Sources

- Lasers: Commonly used in communication, precision measurement, and medical applications. Types include: semiconductor lasers, solid-state lasers and fiber lasers
- LEDs: Used for signaling, sensors, and low-power applications.
- Superluminescent diodes: For high-precision optical applications such as optical coherence tomography.

2. Modulators

- Electro-optic modulators: Modify light signals for communication or data processing.
- Acousto-optic modulators: For modulation of light frequency or amplitude.
- Phase shifters: Important in photonic integrated circuits.

3. Photodetectors

- Photodiodes: Detect light in specific spectral ranges.
- Avalanche photodiodes: High sensitivity.
- Photomultiplier tubes and solid-state variants: For detecting very low light levels.
- CMOS sensors: Widely used in cameras and imaging applications.

4. Passive Optical Components

- Optical fibers and connectors: For long-distance transmission of light signals.
- Wavelength multiplexers/demultiplexers: For communication purposes.
- Optical isolators and circulators: To protect optical systems.

- Optical filters: For spectral selection.
 - Waveguides and splitters: To distribute or combine light.
5. Photonic Integrated Circuits
 - Integrated solutions combining multiple optical functions on a single chip. Materials include: silicon photonics, indium phosphide and silicon nitride
 - Crucial for miniaturization and cost reduction.
 6. Optical Sensors
 - Temperature, pressure, and strain sensors based on optical fibers.
 - Biosensors: For medical and biochemical detection.
 - LIDAR components: For distance measurement and mapping (e.g., in autonomous vehicles).
 7. Optical Instruments
 - Microscopes: Specifically aimed at biology, medicine, or nanotechnology.
 - Spectrometers: For analysis of light spectra.
 - Interferometers: For precise measurement of light wavelengths and surfaces.
 8. Energy-related Photonics
 - Photovoltaic cells: For solar energy.
 - Thermophotonic devices: For thermal management and energy conversion.
 9. Software and Control Systems
 - Simulation software for optical design.
 - Electronics for data processing and calibration of photonics systems.
 10. Accessories and Peripheral Equipment: Optical mounts, lenses, mirrors, and prisms, calibration equipment, temperature controllers and drivers for lasers.

3.2. Merging and lots

This tender concerns the supply of photonics components. The tender is not divided into lots, as the components are inextricably linked.

3.3. Contract

The Contract is scheduled to commence on the first of september and will have an initial term of two years, with the option to extend twice for a period of one year each (2+1+1).

The draft Contract associated with this tender is attached as Appendix 1. Amendments adopted by means of an Information Memorandum will be incorporated into the final Contract.

The General Purchasing Conditions of Stichting Fontys (see Appendix 2) apply to the performance of the Contract.

3.4. Contractmanagement

In appropriate contract management, the Client ensures that the promises made by the Bidder in their Bid are fulfilled throughout the contract management phase.

Contract management for Photonics components. delegated to Fontys TNW. Following the contract award, the Client collaborates with the Contractor to establish a structure for meetings and reporting to support contract management.

4. Selection and award

4.1. Steps involved in selection and award

The selection and award takes place in five steps:

1. Review to verify proper form, structure and timeliness (knock-out criteria) (Chapter 5) and quality of the Bidder (knock-out criteria) (chapter 6).
2. Review in connection with Grounds for Exclusion and Suitability Requirements (knock-out criteria) (Chapter 7).
3. Review based on the Schedule of (minimum) Requirements (knock-out criteria) (Chapter 8).
4. Evaluation based on Award criteria (Chapter 9).
5. Intention to award and final award.

4.1.1. Form, structure and timeliness

Contracting Authority establishes requirements regarding the form, structure and timeliness of the Bid to be submitted, as well as with regard to the quality of the Bidder. If a Bidder does not unconditionally meet all requirements, their Bid will be excluded from further participation unless, in the opinion of Contracting Authority, the deviation is of no significance.

4.1.2. Grounds for Exclusion and Suitability Requirements

The Grounds for Exclusion relate to the legal situation of the Bidder. The Suitability Requirements concern the:

1. Financial and economic standing of the Bidder.
2. The professional and technical capability of the Bidder.
3. Professional qualifications (entry in trade or professional register).

If the Bidder does not meet the minimum requirements set, their Bid will be excluded from further participation, unless the Contracting Authority decides to admit the Bidder to the procedure on the grounds that the Bidder can, in the opinion of the Contracting Authority, sufficiently demonstrate their reliability and suitability.

4.1.3. Schedule of (minimum) Requirements

The remaining Tenders are evaluated based on the Schedule of Requirements that the performance to be delivered (service and/or supply) must meet at the time of delivery, or acceptance thereof, and must continue to meet during the term of the Contract.

If the Bidder does not meet the minimum requirements set, their Bid will be excluded from further participation unless, in the opinion of the Contracting Authority, there is an omission in the Bid that lends itself to rectification.

4.1.4. Award criteria

The remaining Bids will be evaluated and scored by the evaluation committee as per the provisions of Chapter 9.

4.1.5. Intention to award and final award

The rejected Bidders and the winning Bidder will simultaneously be notified of the award decision. The rejected Bidders will receive a letter stating the reasons for the rejection and the name of the winning Bidder.

4.2. Evaluation committee

The tendering team consists of subject matter experts from, among others, Fontys Applied Natural Sciences, a Legal Affairs adviser and a Procurement adviser. The responses elaborated in connection with the qualitative sub-award criteria will be assessed by an evaluation committee consisting of subject matter experts from Fontys Applied Natural Sciences.

5. Procedural aspects and regulations

5.1. General rules and regulations for the tender

5.1.1. Legislative framework

This tender will take place in accordance with the Public Procurement Act 2012 and the Procurement Policy of the Fontys Foundation.

5.1.2. No award

The Contracting Authority has the right not to award the contract and to withdraw this tender (prematurely). In that case, the Contracting Authority will inform you of this decision and the reasons for it. In the event a decision to withdraw is taken, any Tender Documents submitted will be disregarded and will lapse by operation of law. Any and all forms of compensation are excluded.

5.1.3. Financial compensation

No costs incurred by a Bidder in connection with participation in the Tender Procedure will be reimbursed.

5.1.4. Use of brand names or types

Wherever the Tender Document and/or its appendices mention brands, patents or types, or a specific origin or production, this should be taken to mean the given example or an equivalent.

5.1.5. Language

The Tender and any other correspondence and contact during the tender will be conducted in the English language. This will only be deviated from if the Bidder has legitimate reasons for providing certain statements or documents from specific bodies in another language.

5.1.6. Transfer of information provided

All (confidential) files and products obtained and kept by the Contractor in the context of this tender will at all times remain the property of Contracting Authority. At such time as the Contract ends, the Contractor is obliged to return these files and products to the Contracting Authority on first request, promptly and at no charge to Contracting Authority. If required, the Contractor shall destroy the files and products at the Contracting Authority's first request.

5.2. Regulations for submitting questions

5.2.1. Inconsistencies and irregularities

This Tender Document has been prepared with care. Should a Bidder nevertheless encounter inconsistencies or irregularities, Bidder shall make these known as soon as possible, but in any case before the closing date for submission of questions. After this deadline, Bidders cannot object to any inconsistencies and/or irregularities. How the inconsistencies and/or irregularities are dealt with will be assessed on a case-by-case basis.

5.2.2. Questions and suggestions

Questions and suggestions regarding the Tender Document and its appendices can only be submitted via the TenderNed question and answer module. Questions and suggestions submitted via other means will not receive a response.

Questions and suggestions should be submitted before the date and time specified in the schedule.

Questions may be submitted confidentially. In that case, the question and answer will be made known to the questioner only. When a Bidder (the questioner) seeks a confidential answer to a question, clear reasons must be given as to why the questioner believes that disclosure of this information would harm the legitimate economic interests of their company. If the Contracting Authority feels that the relevant question does not meet this condition, the questioner will be given the opportunity to withdraw the question. In such cases, the Contracting Authority will not provide information in response to the withdrawn question, unless the question related to an error in the Tender Documents about which Contracting Authority must inform the other Bidders. If the questioner does not withdraw the relevant question, it will be processed and published anonymously on TenderNed, along with the corresponding answer.

Information is only binding to the extent that it is set out in an Information Memorandum.

5.2.3. Complaints

Contracting Authority has set up a hotline where complaints regarding a tender can be reported. Contracting Authority has assigned responsibility for this hotline to the Legal Affairs Team, email kmpa@fontys.nl. When submitting a complaint, you should clearly state which tender the complaint relates to and who the contact person from the Contracting Authority is for this tender.

Complaints about matters that were not first submitted as questions in the context of the Information Memorandum, but could have been asked at the time the Information Memorandum was published, will not be dealt with by the hotline.

5.3. Rules and regulations for submitting a Tender

5.3.1. General regulations

1. The Contracting Authority will use TenderNed for the purpose of receiving Bids.
2. The announcement on TenderNed/TED and the Tender Document, together with the Information Memo(s), constitute the sole basis for the entire Tender Procedure. By participating in the tender, the Bidder explicitly agrees to the applicability and content of the announcement, the Tender Document and associated appendices, the Information Memo(s) and the requirements, Award Criteria and evaluation methodology laid down in the aforementioned documents.
3. The Bid must be uploaded by the date and time specified in the schedule. Bidders are responsible for the proper and timely uploading of their Bids. Due to potential technical issues, Bidders are advised not to wait until the very last moment to upload their Bids. Any and all Bids received by Contracting Authority after the stated deadline will be invalid and excluded from the procedure.
4. The Bid must contain only the documents required for the Bid. Attachments referenced multiple times (e.g. the European Single Procurement Document) need only be uploaded once.
5. The Bid must be signed by a legal representative of the Bidder.
6. The requirements, criteria and information provided in this tender are based on the best possible estimation of the assignment by Contracting Authority. Bidders cannot derive any rights from this information (numbers, specifications, schedule).
7. A Bid that does not meet the stated requirements/conditions will be set aside and excluded from further participation, unless Contracting Authority feels that the omission lends itself to rectification.
8. Any Bid with one or more conditions or reservations attached shall also be invalid.
9. A Bid is invalid if it is not filled in truthfully.
10. Bidders should be aware that failure to honour commitments will have consequences in terms of termination of the Contract. In such cases, the Bidder in question will be liable for damages. All costs incurred to reach a new tender or Contract will be recovered from the Bidder, without prejudice to other rights.
11. Rigged Bids, which intend to manipulate the evaluation system in such a way as to distort the purpose intended by that system, e.g. offering realistic prices, will be declared invalid.
12. If the Contracting Authority finds that a Bid is abnormally low, the Bidder may be rejected on that ground (Art. 2.116 / Public Procurement Act 2012).
13. Your Bid must include a 'final offer'. No negotiation, either on content or price, will take place following submission of Bids. Consequently, each Bidder should submit a Bid that reflects the best possible terms.

5.3.2. Tax obligations, environmental protection and working conditions

When preparing their Bid, Bidders must take into account the obligations under the provisions on employment protection and working conditions applicable in the country where the assignment is to be performed, as referred to in Article 2.81(2) of the Public Procurement Act 2012.

As far as performance in the Netherlands is concerned, Bidders may obtain knowledge regarding taxes and environmental protection, working conditions and labour protection from:

- the Tax & Customs Administration, www.belastingdienst.nl
- Ministry of Infrastructure and Water Management, www.government.nl/ministries/ministry-of-infrastructure-and-water-management
- Ministry of Social Affairs and Employment, <https://www.government.nl/ministries/ministry-of-social-affairs-and-employment>

5.3.3. Validity of Bids

The Bidder must remain prepared to fulfil their Bid(s) (i.e. commit to the validity) for a period of three months from the deadline for submission of the Bid. The Contracting Authority may request an extension of this bid validity period. No claims for award may be derived from such a request.

If summary proceedings are commenced, the Contract will not enter into force until judgment is given in summary proceedings in relation to the award. In view of this, this Tender Procedure requires all Bidders to maintain their Bids until the aforementioned deadline has expired or (if summary proceedings are initiated) until 14 days after the date on which judgment is rendered.

5.3.4. Number of Bids

The present tender has not been divided into lots. It is not possible to bid on part of the tender assignment.

Each Bidder, whether part of a Combination or not, may submit a maximum of one Bid per tender. Bidders may not submit a Bid independently or in a Combination when that Bidder is also acting as a Subcontractor in one or more Bids that would place demands on the Bidder's capacity and/or capability.

- If a Bidder submits more than one Bid, whether independently or as part of a Combination, all of these Bids will be set aside.
- If a Bidder submits a Bid once independently or once as a Combination and is also deployed as a Subcontractor in one or more Bids, the performance of which would place demands on the Bidder's capacity and/or capability, their independent Bid or their Bid as part of a Combination will be set aside.

The term 'Bidder' is understood to mean not only the tendering legal entity, but also all (legal) persons with whom that entity has a legal, economic and/or fiscal relationship or forms a unit.

Multiple companies within a Concern may register as Bidders (independently, in Combination, or as Subcontractor) only if they can demonstrate - at the Contracting Authority's request - that they have each prepared a Bid independently from the other Bidders (including the Bidders that are part of the same Concern), and have observed confidentiality in doing so. If this cannot be demonstrated by any of the relevant Bidders, this will result in the Exclusion of all Bidders belonging to the Concern in question.

A market party may be engaged as a Subcontractor by more than one Bidder.

5.4. **Opening of the bidding period**

As soon as possible after the closing of the bidding period, the digital 'safe' containing the Bids will be opened. An opening report indicating which Bidders have submitted a Bid will be sent out via TenderNed.

5.5. Clarification and verification of the Bid

Bidders are responsible for ensuring their Bids are submitted correctly, completely and clearly. Contracting Authority will base its review and evaluation of the Bid on the information as provided by the Bidder.

Contracting Authority reserves the right to ask for clarification. It is emphasised that no second attempts at submission will be permitted. A clarification presupposes that the Bid remains unchanged in terms of content and that Bidder will provide further elaboration only on the requested elements of the Bid, so that Contracting Authority may gain a clearer picture of what has been offered. Bidder must provide this clarification within two Working Days (here: Mon through Fri), after the request from Contracting Authority. If Contracting Authority has not received the requested documents within the stipulated period, Contracting Authority reserves the right not to award the contract to this Bidder.

In addition, Contracting Authority reserves the right to verify the accuracy of all requested information. Bidder must submit the supporting documents within five Working Days (here: Mon through Fri) following the request of Contracting Authority.

It is expressly stated that providing incorrect information will result in definitive Exclusion of the Bid. Failure to provide the requested information, or to provide it in full, will likewise result in Exclusion.

5.6. Award decision and legal protection

The rejected Bidders and the winning Bidder will simultaneously be notified of the award decision. The rejected Bidders will receive a letter stating the reasons for the rejection and the name of the winning Bidder.

If a Bidder objects to the decision, they must notify the Contracting Authority within twenty (20) calendar days from the date of dispatch of the award decision notification, and must enclose, along with that notification, a copy of a signed summons stating the date on which the court will hear the case. If Contracting Authority has not received a copy of a summons within the aforementioned period, the contract will be definitively awarded. The above deadline is an expiry period.

The communication of the award decision to the winning Bidder(s) does not constitute acceptance of the offer submitted by the winning Bidder(s). The Contract is established at the time of the Contractor's receipt of the Client's written confirmation of the assignment.

6. Quality of the Bidder

A Bidder can submit a Bid independently or in a Combination formation. In addition, it is permitted to submit a Bid involving Subcontractors and the technical capability and/or financial and economic standing and/or professional qualifications of these Subcontractors may be called upon.

6.1. Bidding as a Combination

If Bidder is unable or unwilling to provide the requested services independently, they have the option of submitting a Bid in collaboration with other organisations. The resulting Combination will be evaluated as a single entity. The Combination is obliged, upon submitting a Bid, to appoint one Coordinator to represent them and/or act as Coordinator in all respects. No changes may be made to the Combination after the closing date of the bidding period.

Upon Award, a jointly signed declaration will be provided by the Combination of suppliers, stating that all members of the Combination are jointly and severally liable for the performance of the financial and technical aspects of the assignment.

A collaborative formation (Combination) is when several companies submit a joint bid for an assignment. Part II of the European Single Procurement Form (Appendix A) lists the companies that make up the Combination. The Bidder shall specify the Suitability Requirements that their company is called upon to meet. Each member of the Combination shall submit a European Single Procurement Document.

Additionally:

- Each member of the Combination must sign and submit the European Single Procurement Document (attached as Appendix A to this document) along with the Bid.
- Upon request from the Contracting Authority after the intention to award, each member of a Combination must submit an extract (or copy of an extract) from the professional or trade register in the country of their registered offices, showing who is authorised to represent the company. Power of representation means that the person or persons signing the European Single Procurement Document must be listed in the trade register as persons authorised to represent the company. Where the trade register states that two or more persons have power of representation only when acting jointly, the European Single Procurement Document must also be signed by those two or more persons. Where the power of representation is subject to restrictions, these restrictions should be taken into account.
- Upon intention to award, each member of a Combination shall submit the supporting documents as listed in Chapter 7.

6.2. Demands placed on the capacity and/or capability of Third Parties

An independent Bidder or a Combination may rely on the capacity and/or capability of other natural persons or legal entities for performance of the contract, irrespective of the legal nature of its links with these natural persons or legal entities.

When relying on (a) Third Party/third parties as referred to above, Bidder or Combination assumes the obligation to actually have the Third Party/third parties available for those parts for which the reliance on the Third Party/third parties is made (self-requirement) during the performance of the assignment. With regard to deployment of professional and technical capability, this concerns, if applicable, the required availability of personnel and technical equipment.

For an appeal to financial and economic standing, this obligation implies that the Third Party/Parties concerned are jointly and severally liable for the fulfilment of the obligations arising from the Bid as well as the performance of the Contract.

Contracting Authority is entitled to require Bidder or Combination to demonstrate the actual availability of the relevant Third Party/Parties for the performance of the assignment, by delivering legally valid statement(s) signed by the relevant Third Party/Parties.

The Bidder or Combination, if planning to rely on Third Party/Parties, shall indicate in Part IIC of the European Single Procurement Document (Appendix A) for which Suitability Requirements they will rely on a Third Party/Parties.

Also required:

- Third Party/Parties must sign and submit the European Single Procurement Document (attached as Appendix A) along with their Bid.
- Upon request from the Contracting Authority after the intention to award, third party/parties shall submit an extract (or a copy of an extract) from the professional or trade register in the country of their registered offices, indicating who is authorised to sign the Bid on behalf of the company. If the Bid has been signed by a person other than mentioned in the register, the relevant proxy agreement (or copy thereof) must be submitted along with the Bid.
- Upon intention to award, the Third Party/Parties shall submit the supporting documents as listed in Chapter 7.

6.3. Subcontracting

For both independent Bidders and a Combination, although they independently meet the Suitability Requirements set out in this tender, it is possible that they may engage Subcontractor(s) in the performance of the assignment. In case of subcontracting, Bidder or Combination must indicate which Subcontractor they intends to use and for which parts/aspects of the assignment they intend to do so. The Bidder or Combination also guarantees that the Third Party in question meets all the requirements set out in this tender with regard to the activities to be assigned to that Third Party.

Subcontractor shall also mean an employment agency used by the Contractor for hiring temporary employees. If the Contractor issues assignments to Third Parties/Subcontractors in the context of the performance of this Contract, the Contractor shall continue to act as the contracting party and the Contractor shall be jointly and severally liable for the performance of the obligations as well as for the obligations subcontracted.

The Contractor always indemnifies the Client against any adverse consequences of such outsourcing. If the Contractor is considering using a Subcontractor or employees hired via a temporary employment agency, the Contractor shall specify the name and business address of the relevant company in the Bid.

In case of head/subcontracting, the head contractor is the sole contractual counterparty of the Contracting Authority and remains jointly and severally liable for the performance of the obligations as well as for the subcontracted obligations. Only the head contractor will submit the requested information.

Bidder will indicate which part of the assignment will be subcontracted and with whom the subcontract will be placed. To this end, Bidder must complete Part IID of the European Single Procurement Document (Appendix A). If the name(s) of the Subcontractor(s) is/are not yet known, the work to be subcontracted will be listed. The Bidder must still provide the name and business address of the relevant Subcontractor after intention to award.

7. Grounds for Exclusion and Suitability Requirements

Only those Bidders who, in the opinion of the Contracting Authority, have demonstrated in good time that they meet the minimum requirements set out in this chapter with regard to the absence of Grounds for Exclusion and that they are in compliance with the stipulated Suitability Requirements will be eligible for the award of the Contract.

7.1. Grounds for Exclusion

Grounds for Exclusion are intended to ensure that only companies with integrity and a sound financial position are traded with. The Public Procurement Act 2012 recognises two types of Grounds for Exclusion: mandatory and optional.

7.1.1. European Single Procurement Document

The attached European Single Procurement Document (ESPD, section III) lists the Grounds for Exclusion applicable to this Tender Procedure. In order for you to be considered for award of the Contract, no Grounds for Exclusion may apply to you. If they do apply, you may be Excluded from further participation. By completing and submitting the ESPD along with your Bid, you indicate that no Grounds for Exclusion are initially applicable in your case. Only the winning Bidder(s) may be asked to submit the supporting documents. The supporting documents must be submitted within five working days following the Contracting Authority's request.

Information to be provided in connection with Grounds for Exclusion

You may use the following supporting documents to prove that no Grounds for Exclusion apply to you:

- A Declaration of Conduct in public procurement, as referred to in Article 4.1 of the Public Procurement Act 2012, which is not older than two years from the closing date of the bidding period.
- A copy of the extract from the professional or trade register, not older than six months from the closing date of the bidding period.
- A declaration from the Tax & Customs Administration (statement of payment behaviour in compliance with tax obligations) that is not older than six months from the closing date of the bidding period.

NB: Applying for a Declaration of Conduct in public procurement and a declaration from the Tax & Customs Administration is a lengthy procedure. We therefore advise you to submit this request, if necessary, during the tender period. That way, when the Contracting Authority requests these documents, you will be able to submit the documents before the deadline.

NB: If you submit a Bid as a group of cooperating businesses (Combination), each member of the Combination must be able to provide these supporting documents. When a Subcontractor is called upon to meet Suitability Requirements, the relevant Subcontractor must also be able to provide this evidence.

7.2. Suitability Requirements

Suitability Requirements are requirements concerning your financial and economic standing, professional and technical capability and/or professional qualifications. You must meet the stipulated Suitability Requirements in order to be considered for award of the Contract. You initially declare this by completing and submitting the European Single Tender Document (ESTD, Part IV), unless otherwise indicated later in this chapter. Only the winning Bidder(s) may be asked to submit the supporting documents. The supporting documents must be submitted within five working days following the Contracting Authority's request.

If Bidder relies on the financial and economic standing and/or technical capability and/or professional qualifications of other entities (i.e. entities that are not part of Bidder), then after the award decision is taken, it will demonstrate that it can have the necessary resources at its disposal for the execution of the contract. The European Single Procurement Document (ESPD, Part IIC) should indicate which other entities are being called upon.

7.2.1. Requirements with regard to financial and economic standing

Insurance

Bidder must be insured against liability with a minimum coverage of €500,000 per damaging event with a maximum of €1,000,000 on an annual basis, or be willing to take out such insurance upon award.

Information to be provided:

By submitting their Bid, Bidder confirms under Section IV of the European Single Procurement Document (Appendix A) that they fulfil the stated requirement(s). The European Single Procurement Document (ESPD) must be included.

At the request of the Contracting Authority, the winning Bidder shall submit, as evidence thereof, a copy of a certificate of insurance showing the amount for which the Bidder is insured. If proof of a group policy is submitted, it must be clear that Bidder is among the insured parties.

7.2.2. Requirements concerning professional and technical capability

References

With references, the Bidder demonstrates the necessary core competence(s) for the performance of the tendered contract. This means that the Bidder demonstrates experience in key aspects of the tendered assignment.

For each core competence, you should provide a reference demonstrating your ability to independently meet the standard. If you provide a reference concerning a reference assignment performed in Combination or with a Subcontractor, the same Combination or Subcontractor must be available for performance of this Contract.

Along with the Bid, Bidder or Combination shall submit one reference per core competence covering the past three years from the closing date of the bidding period. The following core competence(s) is/are applicable:

- Core competence 1: Experience in supplying a broad range of photonics components (in line with the scope of this contract) for education and research purposes to at least one client, with a total contract value of € 300,000 excl. VAT over a three-year period.

The reference shall include the name of the contact person at the reference, as well as an email address and telephone number where they can be reached, and an explanation of why Bidder believes this reference fits the requested core competence, all in accordance with Appendix B.

Information to be provided:

Bidder shall submit completed and signed reference statement(s) along with their Bid. To be added as Appendix B.

The assignment referred to in the reference must have been performed to the demonstrable satisfaction of the referent. Upon submission of the Bid, or no later than five Working Days (here: Mon to Fri) after the Contracting Authority's request to that effect, the Bidder shall submit a statement of satisfaction from the Reference provided (in the format of their choice). This should explicitly show that the referent is satisfied with the service in question. Failure to provide a signed declaration of satisfaction invalidates the reference.

Contracting Authority reserves the right to contact the Client(s) involved in the reference assignment(s) submitted by Bidder without the intervention of Bidder, or to require inspection of contract documents relating to the reference assignment(s).

7.2.3. Requirements concerning professional qualifications

Entry in professional or trade register

Bidder must be registered in the professional or trade register in force in their country of origin.

Information to be provided:

By submitting their Bid, Bidder confirms under Section IV of the European Single Procurement Document (Appendix A) that they fulfil the stated requirement(s). The European Single Procurement Document (ESPD) must be included.

At the Contracting Authority's request, the winning Bidder shall submit, as evidence thereof, an extract (or copy of an extract) from the professional or trade register of the country in which they have their registered offices.

If the Bid has been signed by a person other than mentioned in the register, the relevant proxy agreement (or copy thereof) must also be submitted.

8. Schedule of Requirements

All requirements set out in this chapter must be met during execution of the contract, unless otherwise specified. By participating in the tender, Bidder confirms that they unconditionally meet the stated requirements.

General Requirements

1. The Contractor shall act in accordance with (European) laws, regulations, measures, and directives in the execution of this Framework Agreement.

Delivery of Photonics Components

2. The Photonics components to be delivered must meet the product characteristics as specified in the relevant specifications.
3. Photonics components delivered by the Contractor must bear the CE marking.
4. For all Photonics components delivered, the Contractor shall provide at least the standard warranty as issued by the manufacturer.

Orders

5. Only persons designated by the Contracting Authority are authorized to place orders, which shall be legally valid.
6. Orders are not subject to a minimum order quantity and/or a minimum or maximum order frequency.

Logistical Requirements

7. All deliveries shall be made DDP (Delivered Duty Paid) to the location specified by the Contracting Authority, to the designated contact person, or as indicated in the purchase order.
8. Each delivery must be accompanied by a packing slip attached to the outside of the delivery packaging, stating at least the following:
 - purchase order reference;
 - date of the purchase order;
 - item code/number as indicated in the purchase order;
 - Contractor's item number (if applicable);
 - ordered quantity per item;
 - delivery date;
 - name and quantity of delivered products;
 - description of content, scope, and date of any backorders.

Commercial Requirements

9. All quoted prices must be all-inclusive, stated in euros, both excluding and including VAT.
10. Invoicing and payment shall take place after delivery and acceptance of the delivered products and services.
11. Each invoice may only reference one purchase order number.
12. The Contractor shall state the purchase order number on the invoice.
13. Invoices must comply with all (legal) requirements and be addressed to:
Stichting Fontys
Postbus 2
5600 AA Eindhoven
14. The Contractor shall invoice via [Peppol](#) or shall send digital invoices to the following email address: digitalefacturen@fontys.nl

Sustainability Requirements

15. The Contractor must package deliveries efficiently to avoid unnecessary packaging material.
16. Packaging material must consist of a single type of recyclable material (cardboard, polyethylene, polypropylene, or polystyrene). If the packaging consists of multiple materials, these must be easily separable by hand into recyclable fractions of a single material.
17. The Contractor shall, where possible, make use of combined transport to reduce the number of transport movements. The supplier shall make efforts to minimize environmental impact.

9. Award Criteria

9.1. Award methodology

Bids will be judged on best price-quality ratio (BPQR). A maximum of 100 points can be obtained. For each Award criterion, the number of maximum points to be awarded is indicated. The Bidder with the best price-quality ratio (BPQR) will be eligible for award of the contract.

Award criterion	Max. number of points
Price	20
Quality	80
Total	100 points

9.2. Price

To allow for evaluation of this criterion, Bidder should attach the fully completed price sheet as Appendix C to their Bid.

The price evaluation is based on the offered discount percentage. Bidder offering the highest discount percentage will receive the maximum number of points. The score of the other Bidders will be determined using the following formula. Points awarded will be rounded to two decimal places.

$$\frac{\text{Offered discount percentage Bidder}}{\text{Highest discount percentage}} \times \text{Maximum number of points possible}$$

9.3. Quality

9.3.1. Evaluation procedure

For the quality criteria, the following evaluation method and procedure apply.

Each member of the evaluation committee will issue their opinion independently of the other members. In case of significant differences in individual evaluations, the differences will be discussed in plenary and individual evaluations may be adjusted as a result of this discussion.

Scores are awarded for the quality criteria according to a 'grading system', with the number 10 being the best possible score and the number 0 being the lowest possible score. The following principles apply to the allocation of the scores:

Score	Meaning
0	Extremely poor. The answer is missing or entirely unsatisfactory.
2	Poor. The answer is poor and the manner of answering hardly answers the question or insufficiently takes into account the Contracting Authority's requirements.
4	Unsatisfactory. More than one component is missing from the answer, the manner of completion is inadequate or the answer insufficiently takes into account the Contracting Authority's requirements.
6	Satisfactory. Fewer significant points are missing, manner of completion is reasonable or sufficiently reflects the Contracting Authority's requirements.
8	Good. The answer clearly provides the insight that has been requested and effectively takes Contracting Authority's requirements into account; it may also contain creative and/or innovative elements
10	Excellent. Completely convincing.

In-between scores are assigned.

The final score for the quality criteria is arrived at by determining the unweighted average of the scores given by the individual members of the evaluation committee, dividing by 10 and then multiplying by the weighting as set out in section 9.3.

The responses provided by the Bidder under the quality criteria shall be construed as commitments regarding how the Contract will be fulfilled. Thus provided responses will therefore become part of the Contract to be concluded.

9.3.2. Quality criteria

The evaluation focuses on the suitability and breadth of the Bidders photonics component range, ensuring that Fontys has access to a wide array of products to support future needs in education and research.

Bidders are requested to provide a comprehensive description in the form of a catalogue, structured overview, or website of their photonics components range. The submitted range will be assessed as a whole based on the following criteria:

- Diversity of categories of photonics components offered.
- Depth within categories, i.e., the specific variants available for each component type and how these variants meet a variety of applications.
- Innovation and technologies, i.e., the extent to which the range includes innovative and advanced technologies.
- Availability and rapid delivery, including for less common or custom-made components.

Your response must be added as Appendix D.

9.4. Final score

The sum of the points obtained for the award/sub-award criteria provides the final total for the Bid in question.

In case of identical scores, the number of points allocated for the Award Criterion of Quality will be decisive. If this rule does not yield a winner, the winner will be selected by drawing lots between the Bidders with an equal number of points. Representatives of the parties involved may be present at this drawing.

Based on all available information, the evaluation committee will arrive at an overall evaluation and choice. This is the Bidder who meets all the requirements and has achieved the highest final score.

9.4.1. Verification

The Bidder with the most points may be invited for an interview to discuss the submitted Bid and to verify the information provided. In preparation, the Contracting Authority will identify components for which the information provided by the Bidder must be verified or for which supporting documents or further information must be submitted by the Bidder.

If it is revealed that what the Bidder has stated or offered is incorrect, the Contracting Authority has the right to exclude the Bidder from participation or, if the Contract has already been concluded, to terminate the Contract with immediate effect.

If a Bidder is excluded, the evaluation scores of the remaining Bidders will be recalculated.

Contracting Authority then has the option to continue the procedure with the Bidder who finished second, third and so on. The relevant Bidder will be liable for damages as such.

All costs incurred to reach a new Contract will be recovered, without prejudice to other rights. By submitting a Bid for this tender, you the Bidder explicitly agree to this.

10. Appendices

Background information for the Bidder	
Appendix 1	Draft of the Contract
Appendix 2:	General Purchasing Conditions
Appendix 3:	
Appendix 4:	

Complete and submit to TenderNed along with Bid	
Appendix A	European Single Procurement Document (ESPD)
Appendix B	Reference statement
Appendix C	Discount sheet
Appendix D	Response on quality criteria
Appendix E	
Appendix F	
Appendix G	