



Tender Document

Invitation to tender in accordance with the European open procedure for the procurement of services for “Vibro piling effects on harbour porpoise” 31201201.

Publication date:	02-10-2024
Status:	concept v.06 def
Reference:	31201201

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Definition of terms

Tendering authority	the Ministry of Infrastructure and Water Management, Department of Waterways and Public Works (Rijkswaterstaat), Water, Transport and Environment (Water Verkeer en Leefomgeving), the directory of Security and Water.
Tender Document	This document and all of its annexes.
Public Procurement Act	The Public Procurement Act 2012 (<i>Aanbestedingswet 2012</i>)
General Government Terms and Conditions	General Government Terms and Conditions for Public Service Contracts 2018 (ARVODI-2018: <i>Algemene Rijksvoorwaarden voor het verstrekken van Opdrachten tot het verrichten van Diensten</i>).
Most Economically Advantageous Tender	The Tender that achieves the highest definitive total score based on the best price-quality ratio.
Suitability requirements	The requirements with which Tenderers must comply in order to be eligible to win the tender.
Tenderer	An entrepreneur or entrepreneurs who have submitted a Tender or is/are planning to submit a Tender. In this document, the word 'you' is taken to mean the Tenderer.
Tender	A quotation submitted by the Tenderer in response to this Tender Document.
Memorandum of Information	A document containing all questions asked and answers given, in anonymised form and, if applicable, additional information. This includes the questions and answers submitted via TenderNed.
Contracting Authority	The State of the Netherlands, represented by the Minister of Infrastructure and Water Management, represented by the Director of the directory of Security and Water, Department of Waterways and Public Works (Rijkswaterstaat), Water, Transport and Environment (Water Verkeer en Leefomgeving), who concludes the Contract with the Contractor on behalf of the Contracting Authority.
Contractor	The party with whom the Contracting Authority concludes the Contract.
Contract	The written agreement between the Contracting Authority and the Contractor in which the conditions of the assignment are recorded.
Exclusion Ground	A circumstance applicable to the Tenderer or a person affiliated with the Tenderer that results in exclusion of the Tenderer from participating in the tendering process.

Uniform Single Procurement Document A statement in which the Tenderer declares his compliance with the requirements specified in this document.

1. Introduction

The Tender Document at hand contains information regarding this invitation to tender conducted in accordance with the European open procedure for vibro piling effects on harbour porpoise.

You are hereby invited to submit a Tender based on this Tender Document.

1.1 Tendering Authority

This tendering process is being conducted on the instructions of the Ministry of Infrastructure and Water Management, Department of Waterways and Public Works (Rijkswaterstaat), Water, Traffic and Living Environment (Water Verkeer en Leefomgeving), the directory of Security and Water.

1.2 Reason for this invitation to tender

In this tender Rijkswaterstaat asks for research to determine the effects of vibro piling on the harbour porpoise and to determine sound thresholds where different effects like PTS (Permanent Threshold Shift), TTS (Temporary Threshold Shift) and disturbance occurs. These thresholds can then be used to calculate the impact of vibro piling on the harbour porpoise population in future Framework for Assessing Ecological and Cumulative Effects (KEC, in Dutch 'Kader voor Ecologie en Cumulatie')

1.3 Time schedule

The schedule below applies to this tendering process.

Publication date TenderNed	Issuing of publication, start of tendering period.
28 October 2024, 10.00- 11.00am	Information meeting via teams.*
30 October 2024, 11.00am	Closure of 1st round of questions: deadline for the Tenderer to submit questions regarding this Tender Documents and the Contract (including the general terms and conditions) and/or proposals for textual amendments to the draft Contract (including the general terms and conditions).
4 November 2024	Issuing of 1st Memorandum of Information
11 November 2024, 11.00am	Closure of 2nd round of questions: deadline for the Tenderer to submit questions.
17 November 2024	Issuing of 2nd Memorandum of Information
2 December 2024, 11.00am	Deadline for the receipt of Tenders and opening of new Tenders by the Tendering Authority.
3 - 13 December 2024	Assessment of Tenders.
13 December 2024	Announcement of the award of the Contract.
January 2025	Starting date of Contract.

*An information meeting for this process will be held digitally via teams on Monday October 28th, at 10.00am. If you wish to attend the teams meeting, then we kindly request you to send an email via TenderNed no later than Thursday October 24th, 11.00 a.m., stating the email address to be used for this purpose. During this information meeting the Tendering Authority will provide an explanation of this Tender.

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

2. Description of assignment

2.1 Description of the project

2.1.1 General description of the WOZEP program

In 2016, the Ministry of Economic Affairs commissioned RWS to deploy an integrated research program to reduce the knowledge gaps with regard to the effects of offshore wind farms on the North Sea ecosystem. This program has been initiated, based on previous experience with research and monitoring for wind farms, coming to the conclusion that the knowledge gaps are mainly of a generic nature rather than specific for a certain wind farm. In addition, a central research program can be managed more efficiently. This resulted in the Offshore Wind Energy Ecological Program (Wozep). Wozep phase 1 had a duration from 2016-2023 and has been extended into phase 2 with a duration from 2024-2030. Wozep research results are used in the Framework for Assessing Ecological and Cumulative Effects (KEC). With the KEC, the cumulative effects of the existing and proposed wind farms on the species with a protected status is assessed.

The Wozep program focuses on the following themes:

- Bird collisions and habitat loss;
- Bats;
- Marine mammals and underwater noise;
- Benthos, fish and electromagnetic fields;
- Ecosystem changes
- Data and information management.

Background information about Wozep and completed research reports are published on the Noordzeeloket. <https://www.noordzeeloket.nl/en/functions-and-use/offshore-wind-energy/ecology/offshore-wind-ecological-programme-wozep/>

2.1.2 General goal of the WOZEP program

The Wozep project has the following goals:

- Reduce the uncertainty surrounding the assumptions and knowledge gaps of the KEC, Environmental Impact Assessment (EIA) and the Appropriate Assessment (AA) surrounding Offshore Wind.;
- Reduce the uncertainty surrounding the assumptions and knowledge gaps around long-term effects in the scaling up of offshore wind energy (for future road maps for the deployment of offshore wind energy).

Applying the developed knowledge on the ecological impact of offshore wind in the formulation and specification of preconditions for planning the further development of offshore wind and the (possible) design of mitigating measures.

2.2 Description and objective of the assignment

2.2.1 Background of the assignment

Up till now all offshore wind farms constructed in the Netherlands use monopiles that are installed using impact piling, which is also the most commonly used method in the world. Impact piling causes high levels of impulsive underwater noise and has major impact on marine species, like the harbour porpoise. The regulatory framework therefore puts limits on the noise levels at 750 m distance. Various mitigation measures are used to avoid injuries to marine animals and to reduce disturbance as much as possible. With the noise limits becoming more strict (lower) and with an increasing size of the monopiles it becomes harder for the industry to meet these requirements with impact piling.

There are ongoing developments regarding new installation methods for the foundation of offshore wind turbines. Installing the foundation of turbines using vibro piling is the most promising alternative to impact piling at the moment. Although the noise levels of this new installation method are expected to be lower, the sound type produced (continuous versus impulsive) is also different. The assessment of effects of underwater sound in the Netherlands are carried out by determining the area affected by sound thresholds for different types of effects (hearing threshold shifts and disturbance). These thresholds for this new installation methods is not known. It is

therefore not possible to assess these effects in the KEC and EIA for the wind farms constructed in the Netherlands as the magnitude of these effects and the effect distances are not known. An assessment of the effects of this method on marine mammals is required, which leads to this demand specification.

2.2.2 General description of the assignment

As part of the Wind at Sea Ecological Program (Wozep), Rijkswaterstaat intends to commission research into the effects of vibro piling (the driving in of piles) on marine mammals and in particular on the harbour porpoise, similar to the research into the effects of pile driving on marine mammals that was done in the past (Kastelein *et al.*, 2015; Kastelein *et al.*, 2017).

Vibratory hammers used in vibro piling function differently from ordinary impact pile drivers; instead of hard blows at intervals, the piles are struck with less force where intervals are much shorter or even absent. The piles can be said to be vibrated into the ground. A vibratory hammer strikes with less energy so the sound produced by striking a pile is also less loud and the frequency composition is different to that of regular piling. As a result, the effects on the hearing, behaviour and health of porpoises and other marine mammals may also be different from traditional pile drivers. Until now, the main focus has been on the disturbance caused by pile driving noise, this disturbance-unit is the unit the Dutch government uses to determine the impact on the population of the harbour porpoise employing the model iPCoD. However, for noise of a different nature, like vibro piling, the type and magnitude of the effects are largely unknown. It is therefore important to determine the behavioural threshold (disturbance threshold) and the hearing thresholds (TTS & PTS) for this new sound source.

2.2.3 Detailed description of the assignment

In the Dutch Framework Ecology and Cumulation effects of underwater sound due to pile driving on marine mammals and specifically on the harbour porpoise population are assessed. The assessment occurs according to guiding principles first formulated by the Working Group Underwater Sound for KEC 1. These principles cannot be applied directly to other forms of installation of windfarm foundations. For vibro piling the method has been amended in a memo by TNO (de Jong, 2023) from 21 December 2023 ([Guideline for the calculation of the number of porpoises potentially disturbed by offshore vibropiling noise](#)). The memo uses certain assumptions to calculate the effects until new information is available to fill in the knowledge gaps.

To calculate the effects of impulsive sound due to impact pile driving, studies have been conducted to determine the thresholds for PTS, TTS expressed in cumulative Sound Exposure Level (SEL_{cum}) and disturbance expressed in single strike Sound Exposure Level (SEL_{ss} , for vibro piling Sound Pressure Level (SPL) is chosen to be the unit to better represent this effect). The same information is also necessary to calculate the effects of vibro pile driving. The thresholds for TTS/PTS and disturbance that will be determined in this research will be used to update the method to calculate the effects of vibro piling on the population of the harbour porpoise.

New forms of construction

New developments in the offshore windfarm construction, such as alternative methods of piling produce a different type of noise, which is more continuous instead of impulsive. The effects of this noise on harbour porpoises cannot be assessed with the same thresholds as for impact pile driving.

The following effects need to be quantified and thresholds for these effects need to be determined:

- PTS threshold (SEL_{cum})
- TTS threshold (SEL_{cum})
- Disturbance threshold (SPL)

PTS and TTS threshold

The harbour porpoise(s) need to be exposed to the different levels of vibro piling sounds to determine when TTS and (PTS) can occur. As it is not ethical to intentionally cause PTS on animals, it is assumed that the PTS threshold is about 15-20 dB higher than the TTS onset threshold. Therefore, experiments have to be conducted to determine TTS at different frequencies of harbour porpoise hearing to determine at which frequencies the vibro piling causes TTS and at

which level of the sound TTS occurs and the duration of the TTS. For KEC 1.0 TTS onset is defined as a 6 dB or more hearing threshold shift measured a short time (1-4 min) after exposure to fatiguing noise. The study needs to be sensitive enough to detect this shift in the hearing threshold. The study has to be carried out with psycho-acoustic methods.

TTS does not necessarily occur at the same frequencies as the fatiguing sound. However, for the piling sound TTS occurred at frequencies close to the dominant frequencies of the fatiguing sound. The method to determine TTS should be suitable to test all relevant frequencies of fatiguing sound which is expected to be lower than piling sound frequencies.

It is to be expected that different vibro hammers will have different frequency components and duty cycles. The research should be conducted in such a way that the results can be applied to all different vibro hammers (for example a TTS analysis with lowest and highest possible duty cycles) and a discussion on how the results can apply to different duty cycles.

Disturbance threshold

Disturbance is defined as the threshold of sound that the animals avoid. This is determined by observing the behavior of an animal with normal hearing at different levels of the vibro piling sound to determine a threshold in the change of the behavior of the animal determined by changes in swimming speed, avoidance of the area of the speaker and changes in breathing, in contrast to the baseline behavior of an animal.

Questions

Research should be directed towards answering the questions listed below. Where particular research needs to be conducted in a particular order because of interdependencies, this should also be indicated. The results of this research will be used in the Dutch Framework for Ecology and Cumulation (KEC) and should be delivered in a suitable form to be used in the calculations therein. The contractors should familiarize themselves with the methodology of the KEC (a link to KEC can be found further in this document). Should different effect pathways be more important for vibro piling sound which can have an impact on effect calculations in the KEC, this should be clearly stated in the report. The sound signal required for this research can be obtained by the contractor from companies that have worked with vibro piling.

- What effects on porpoise hearing (TTS and PTS) is most likely due to vibro piling?
- What are the sound thresholds these effects occur at?
- What is the duration of these hearing effects at different levels of sound or in other words, how long does it take for the hearing to recover from TTS for different levels of sound and different degrees of TTS?
- What effects on harbour porpoise behaviour (i.e. disturbance) are most likely due to vibro piling?
- At what sound threshold do these effects occur? Is it possible to define a dose-response relationship and what is this dose-response relationship for these effects?

Quality of research:

The equipment used in this research to produce the sound must be calibrated to ISO standards to ensure that the sound produced in the research facility matches the sound sample of the vibro piling.

The background soundscape of the research facility must be known (measured according to relevant ISO standards). And the effect of this background soundscape on the measurements should be accounted for in the conclusions.

The animal(s) used for this research has/have to have hearing that is representative for the species. An audiogram of the animal for all frequencies has to be supplied and compared to other known audiograms of individuals of the species.

The project plan should be clear and to the point. It cannot be longer than 30 A4's (font size 10). The plan makes clear how the work will be carried out and gives a good overview of all the steps in the research that will be carried out. The project plan also details the members (people and

organisations) that will carry out this project, what the role and tasks of each person is and how much time they will be spending on each of those tasks.

Literature

- de Jong, C., Calculation of the number of porpoises potentially disturbed by offshore vibro piling noise, TNO memo, 21 December 2023 ([Notitie voor berekening cumulatieve effecten van continue onderwatergeluid op bruinvissen - Noordzeeloket](#))
- Kader Ecologie en Cumulatie ([Kader Ecologie en Cumulatie - Noordzeeloket](#))
- Kastelein, R. A., Schop, J. Hoek, L., Covi, J., 'Hearing thresholds of a harbor porpoise (*Phocoena phocoena*) for narrow-band sweeps (0.125-150 kHz)'. Report commissioned by Ministry of Infrastructure and Environment and Ministry of Economic Affairs the Netherlands.
- Kastelein, R. A., Helder-Hoek, L., & Van de Voorde, S., (2017). Hearing thresholds of a male and a female harbor porpoise (*Phocoena phocoena*). The Journal of the Acoustical Society of America, 142(2), 1006-1010.
<https://doi.org/10.1121/1.4997907>

2.2.4 Description of the result of the assignment

The assignment should give insight into the effects of vibro piling on the hearing and behaviour of the harbour porpoise in such a way that these effects can be translated to input for the iPCoD model to calculate the effects on the population of the harbour porpoise. The research should deliver thresholds for TTS/PTS and behavioural changes (disturbance). The results as described below should be delivered within 18 months of the commissioning of the research.

The result of the assignment consists of the following products:

- A report has to be delivered describing the effects of vibro piling on the hearing of the harbour porpoise, including the thresholds for these effects;
- A report has to be delivered describing the effects of vibro piling on the behaviour of the harbour porpoise, including a threshold for disturbance.
- A presentation on the results of the project.
- All data has to be delivered to the Wozep repository (see 2.2.5. below).

2.2.5. Data management

Rijkswaterstaat has chosen to be supported by Witteveen+Bos to carry out the data management for duration of the Wozep Program. All data that is collected from this project commissioned by RWS/Wozep will be made available for the Wozep repository. The goal is to achieve transparency of research data streams and the future re-use of data and models. The data management will be applied on all the datasets and models that have been and will be acquired by Rijkswaterstaat during the course of the Wozep Programme. It includes process and technical agreements for the data providers, such as the use of data standards. After awarding (for preparation of the Project start up) more technical information (background of the Data management System, standards and data management process) will be provided to the contractor through a Data PSU. Data management is an explicit part of the contract; one of the products defined for payment must be the delivery of data sets.

The data provider (the contractor of this call for tender) is responsible for gathering and delivery of the by Rijkswaterstaat requested datasets and/or models. All the data (raw data, including metadata and scripts, processed data (standard and/or tailored) and other datasets) and (if applicable) model components (model input, the model itself (including model relations) and model output) need to be uploaded to the Wozep data-repository.

After the contract has been awarded, Witteveen+Bos will contact the data provider for an intake interview to gather information about the current data management process and the steps that are necessary for the data provider for successful use of the Data management system (DMS) in the delivery of data and models. Please describe in your offer a data management contact person.

2.2.6 Communication

A quarterly progress meeting needs be scheduled by the contractor between the RWS substantive project team and the contractor's penman. In this meeting, the work performed, and progress are discussed. Risks to achieving the schedule are also discussed.

2.2.7 Recovery and Resilience Plan

Wozep's outsourcing funds fall under the Recovery and Resilience Plan (het Herstel- en Veerkrachtplan in Dutch, HVP) which are European Funds. Therefore, Wozep must demonstrate that the financial interests from this European Funds are protected by, among other things, reporting on the Article 22.2.d (from the European HVP Regulation).

In this procurement process, the contractor will receive funds from WOZEP through an assignment agreement. Because WOZEP is subject to the HVP, it follows that the contractor is a recipient of European funds and therefore, RWS has the ability to request the information below. If requested, the contractor is required to provide the following information:

- The name of your company, being the contractor;
- The full name (first name(s), last name(s)) and date(s) of birth/dates of birth (day, month and year) of your company's final beneficiary(ies);
- The name of any subcontractor(s).

The General Data Protection Regulation (GDPR) sets rules for the processing of personal data; a legal basis for this must be present. The processing in question takes place under Article 22.2.d of the European HVP Regulation. As described in Article 6.1 c of the GDPR, this is a valid basis to collect and process personal data. The HVP Regulation states that the personal data referred to will be processed solely for the purpose of and for the corresponding duration of audit and control procedures for the Recovery and Resilience Plan. Bodies such as the Audit Department of the State, the General Court of Auditors, the European Commission, the European Court of Auditors and the European Public Prosecutor's Office may view the data in order to carry out their statutory duties, but it will not be made public.

2.2 Contract Period

The Contracting Authority intends to conclude a Contract for a period of 18 months.

2.3 Scope of the assignment

The Tendering Authority has estimated a total contract value of € 490.200 exclusive of VAT and including unforeseen activities for the contract period of 18 months (2025-2026).

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

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

3. Requirements to this assignment

This section includes the requirements set by the Tendering Authority concerning the requested for the services for “Vibro piling effects on harbour porpoise” and the prices and rates.

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

3.1 Requirements relating to facilities

1. At least one trained harbour porpoise with a representative hearing determined with psycho-acoustic techniques for the species has to be available within 6 months of commissioning this Assignment.
2. Representative sound samples of vibropiling have to be obtained by the Contractor.
3. The Contractor has to design the Assignment in such a way that the research results can be universally applied to all types of vibropiling (for example by testing the extremes in duty cycle of the vibropiling sounds). The final report contains all the specifications of the sound samples used for the research.
4. The sound producing equipment should be tested and calibrated according to the ISO standards [IEC 60565-1:2020](#) | [IEC](#) or similar.
5. The soundscape of the research facility has to be measured by an ISO certified institute. Measurements should be carried out at different depths and locations of the basin to make the whole sound landscape of the basin visible and make sure different locations in the basin don't result in different exposures to sound (and if they do then make sure these differences are accounted for in the reported results).
6. The research facility has access to a veterinarian and medical facilities to treat sick animals. Keeping up with animal welfare is part of the project plan. The research facility has the necessary animal experiment permits required in the country of origin.

3.2 Requirements relating to risks

The tenderer makes a risk assessment plan including measures to deal with eventual risks. The following not limitative list of risks need to be dealt with in this document.

- Delays to due sickness or change of jobs of key members of the team.
- Delays due to the death or disease of the harbour porpoise(s) involved in the research.
- Problems acquiring a representative sound sample.
- Defective sound equipment and the impact on the results or time schedule.

3.3 Requirements relating to the prices / rates

- 3.3.1 The Tenderer will provide an overview of the prices and rates applicable to this assignment by filling in the appendix entitled 'Prices/Rates'.

3.4 Tax-related requirements

- 3.4.1 The Tenderer indemnifies the Contracting Authority against any claims from the Dutch Tax and Customs Administration (*Belastingdienst*) or other tax authorities.
- 3.4.2 The Tenderer will quote the prices according to the following structure:
- the amount excluding Dutch VAT and any VAT due outside the EU;
 - the amount of Dutch VAT due (if applicable) and the amount of any VAT due outside the EU, and;
 - the amount including Dutch VAT (if applicable) and any VAT due outside the EU.

- 3.4.3 If the Tenderer indicates that no VAT is applicable, then he agrees to provide documentary proof of the grounds for this to the Contracting Authority within fifteen calendar days of the request to do so.
- 3.4.4 You are liable for any extra costs for Dutch and/or foreign VAT due if you incorrectly charge no VAT or an incorrect amount of VAT to the Contracting Authority. If applicable, you are liable for accurate payment of VAT in the Netherlands and outside the EU, with the exception of the case stipulated in the following sentence. If the Contracting Authority procures a service from a foreign business and Dutch tax law considers the work to have been performed in the Netherlands, then the Contracting Authority is liable for the payment of VAT to the Dutch Tax and Customs Administration for this/these service(s) performed in the Netherlands.
- 3.4.5 You guarantee that the amounts specified in the quotation are inclusive of all taxes and levies (including amounts considered equivalent to taxes or levies), regardless of their description and wherever in the world they may have been levied.
- 3.4.6 You indemnify the Contracting Authority against any claims from any tax authority for any taxes, levies or contributions considered equivalent to taxes or levies, originating from either the Netherlands or outside the Netherlands.

3.5 Invoicing requirements

3.5.1 The following payment schedule applies:

Payment post	Package	Product to be provided	Deadline date	Financial value of the payment item (excl. VAT)
10	Training harbour porpoise	3 months progress report		€ ...
20	Tests TTS	3 months progress report		€ ...
30	Tests behaviour	3 months progress report		€ ...
40	4 th progress report	3 months progress report		€ ...
50	5 th progress report	3 months progress report		€ ...
60	Effects vibro piling on hearing (TTS) of harbour porpoise	Final report	(18 months after signing contract)	€ ...
	Effects vibropiling on behaviour of harbour porpoise (disturbance)	Final report		€ ...
	Project delivery meeting	Presentation		€ ...
Total order amount				€ ...

3.5.2 Invoicing

E-invoicing

- The Contractor will submit invoices electronically (e-facturation) through 3rd party services provided by Logius. For more information on e-facturation, please consult the website of Logius www.logius.nl/diensten/e-factureren/.

3.6 Requirements relating to social conditions

- 3.6.1 The Tendering Authority conducts a policy of sustainable procurement. The conditions of this policy apply to the execution of the assignment. The conditions are specified in the 'Requirements relating to Social Conditions' annex 2. By submitting a Tender, you agree to these conditions.

4. Requirements concerning the Tenderer

4.1 Introduction

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

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

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

4.2 Exclusion Grounds

You can find the 'European Single Procurement Document' within the invitation to tender in TenderNed. In this document, you will find the following Exclusion Grounds:

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

Go to the invitation to tender in TenderNed, select 'Answers to Requirements' and then tick 'Yes' or 'No' for the 'Tenderer's Statement' requirement.

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

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

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

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

The evidence consists of:

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

The Tendering Authority, to which a Tenderer submits data in order to prove that the exclusion grounds referred to in Article 2.86 or Article 2.87 do not apply to the Tenderer, also accepts data and documents from another Member State, from the country of origin

of the Tenderer or from the country where the Tenderer is established, that serve an equivalent purpose or that show that the exclusion ground does not apply to Tenderer.

Please refer to <https://ec.europa.eu/tools/ecertis/search>
eCertis is the information system that helps you identify different certificates requested in procurement procedures across the EU.

4.3 Suitability Requirements

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

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

4.3.1 Reference data (technical qualifications)

The Tendering Authority has set the following core competences: the Tenderer must demonstrate his technical competence through experience gained prior to this Assignment through at least one and a maximum of three scientific publications that demonstrate experience with the following components:

- research into TTS in porpoises
- deriving PTS threshold values based on TTS
- Taking audiograms
- Behavioral studies in porpoises

The tenderer must refer in a maximum of half an A4 to the scientific publication(s) that demonstrate the experience for each component mentioned above.

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

- The subject of the reference assignment must be comparable to the core competence in question.
- The reference assignment must have been executed or completed prior to the closing date for the submission of tenders. If the Tenderer uses an assignment that is not yet fully complete, then only the completed results of the ongoing assignment can be submitted for reference purposes: projected results cannot be taken into consideration.

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

4.3.2 Quality assurance (technical qualifications)

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

- That he has a quality-assurance system that is at least equivalent to a certified quality-assurance system. By 'equivalent', we mean the following:
 - o Quality assurance is embedded in the entire organisation (by means of policy), adopted by the responsible department and executed by this department (e.g. by means of a quality handbook). This department also bears responsibility for the correct design, execution and management of this quality policy.
 - o Presence and company-wide implementation of relevant procedures relating to service provision/end products and management of resources and documents, within which continual improvement is an important point of attention.
 - o Operation of an internal quality cycle, including the measurement, analysis and improvement of quality levels.

- o Performance of a periodic, independent audit by an expert concerning compliance with the quality procedures.
- o Customer-oriented processes: a system is in place to ensure (from the customer's perspective) that there is a clear picture of the customer's needs and that these needs are implemented into your business processes.

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

Compliance with these quality-control requirements can be demonstrated by means of:

- A description (max. two A4 sides, either single or double-sided) of the quality-assurance system in place at your organisation, which demonstrates that this system is at least equivalent to a certified quality-assurance system. The subsection 'Quality Assurance' explains what is meant by the term 'equivalent'. Your description must address all the points specified in this subsection and demonstrate the system's equivalence or more.

Or:

- Provision of the latest audit report or a copy of a certificate or certificates for the quality-assurance system that was/were drawn up by a certification institution recognised within the national or international accreditation structure, such as the European standards series EN 45000.

In the event that your Tender involves a collaboration (consortium), then every member of this collaboration, for their part, must provide the quality-assurance evidence requested for the purposes of the Tender.

4.3.3 *Equipment (technical qualifications)*

By signing the 'European Single Procurement Document', the Tenderer declares that he has access to the following facilities, materials and technical equipment for the purposes of fulfilling the Contract:

- The sound producing equipment should be tested and calibrated according to the ISO standards [IEC 60565-1:2020](#) | [IEC](#).
- The soundscape of the research facility has to be measured by an ISO certified institute.
- Measurements should be carried out at different depths and locations of the basin to make the whole sound landscape of the basin visible and make sure different locations in the basin don't result in different exposures to sound (and if they do then make sure these differences are accounted for in the reported results).

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

The Tenderer must provide the following facilities, materials and technical equipment as described in section 3.1.

4.3.4 *Samples, descriptions, photos or certification documents (technical qualifications)*

By submitting the 'European Single Procurement Document', the Tenderer declares that he can demonstrate the technical qualifications of the products to be supplied as part of the Contract by providing samples, descriptions or photos. Upon request by the Tendering Authority, the Tenderer provides certificates from a recognised certification institution that declare that products clearly comply with certain specifications or standards.

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

The following can be used as evidence: samples, descriptions or photos, the authenticity of which can be demonstrated; or certificates from a recognised certification institution that declare that products clearly comply with certain specifications or standards.

4.3.9 Professional/trade register extract

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

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

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

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

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

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

5. Award criteria and assessment

5.1 Introduction

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

5.2 Quality criteria

5.2.1 Award criteria relating to Quality

A maximum of 1.144.000 points can be obtained for your response to the Quality award criteria, conform Annex 7. The total points score is calculated based on the estimate made for this Assignment and a weighting of 30% price and 70% quality.

Max. no. of points available	Assessment aspects
286.000	Sub-award criterion "Quality of Research" (maximum 5 page in A4 format). The Tenderer describes in a project plan 1) the project planning including different milestones 2) how the project management is arranged 3) project organisation including the degree in which the actual roles (e.g. coordinator, animal care takers, data analysis, behavioural researchers etc.) account for the different responsibilities of the team members, and the contribution of specific team member to the whole project; this can be demonstrated by referring to papers published on these research themes, reports submitted and/or other publications. Next to this, the estimated number of hours invested by the different team members should be specified. Roles that need to be specified are: • Researchers devising the TTS research and analysing the data to determine the TTS thresholds • Researchers devising the behavioural research and analysing the data to determine the behavioural effects • Qualified animal caretakers and a registered vet • Project coordinator • Final scientific quality controller of the delivered product.
400.400	Sub-award criterion "Quality control of data" (minimum 3 and maximum 10 page in A4 format). The Tenderer describes in a project plan the accuracy of data collection and how this is achieved. The Tenderer describes the degree to which the methods proposed are clear, precise and detailed enough for this Assignment so the Commissioner has confidence in the quality and applicability of the results of the methods. The Tenderer gives a full description of the different steps of the research method, e.g. how to determine with the required accuracy the temporary threshold shift (the time between exposure and measuring the threshold shift and the lowest measurable level of threshold shift). The Tenderer describes the number of repetitions for each set of measurements to determine the TTS and audiograms based on literature for comparable research for each hearing frequency tested.
228.800	Sub-award criterion "Quality and applicability of the results" (maximum 2 page in A4 format). The Tenderer describes in a proposal how they will ensure that the data collected and results produced can be used to achieve the goals of this project and demonstrate a wider applicability of the results to more types of vibro piling sounds than just the vibro piling sounds tested.

5.2.2 Award criteria relating to Risks

Max. no. of points available	Assessment aspects
171.600	Award criterion "Description of the risks" (maximum 3 page in A4 format). The Tenderer describes in the project plan the relevance of risks identified and mitigation measures to manage these risks. Descriptions of the risks and risk management measures as mentioned in, but not limited to, the program of requirements.

5.2.3 Award criteria relating to Sustainability

Max. no. of points available	Assessment aspects
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57.200	Award criterion "Sustainability" (maximum 1 page in A4 format). The Tenderer describes in an action plan which measures will be taken into account and contribute to 1) Energy & Climate, 2) Environment & Living Environment, 3) Wellbeing & Health, 4) Social Return when carrying out this Assignment.
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5.2.4 Prices / rates (exclusive of VAT)

For this Assignment, there is a maximum ceiling amount of € 490.200 excl. VAT. When the Tenders are opened, it will first be assessed whether the Tender has been submitted within the set ceiling amount. If the Tender exceeds this ceiling amount, it will be set aside and will not be assessed further.

Nr.	Services / (partial) products
1	Report training harbour porpoise
2	Report tests TTS
3	Tests behaviour
4	4 th progress report
5	5 th progress report
6	Report effects vibro piling on hearing (TTS) of harbour porpoise
7	Report effects vibro piling on behaviour of harbour porpoise (disturbance)
8	Project delivery meeting
9	Post Unforeseen activities

5.3 Assessment method for qualitative award criteria

The tenders will be assessed and the final contract awarded on the basis of the award criterion 'Most Economically Advantageous Tender (MEAT/EMVI) - Best Price-Quality Ratio (BPQR). To determine which tender is the most economically advantageous based on the Best Price-Quality Ratio, the tenders are assessed in accordance with the assessment procedure included in the section below.

The contract will be awarded to the tenderer who has submitted the most economically advantageous tender based on the Best Price-Quality Ratio, on the condition that the tenderer has submitted a valid tender, has demonstrated compliance with the requirements set in the Request for Tender and otherwise does not need to be disqualified from being awarded the contract.

In assessing which tenderer has submitted the most economically advantageous tender, the criteria are used as referred to in the 'Table MEAT-BPQR criteria for Request for Tender' (Annex 7 Tabel MEAT-BPQR/EMVI-BPKV).

This table lists the maximum quality value to be awarded per sub-criterion during a consensus meeting by the assessment team. The result of the calculation in the spreadsheet is the 'Notional tender price'. This is obtained by reducing the tender price with the 'Total quality value'. The tender with the lowest notional tender price based on this spreadsheet will have the most economically advantageous tender on the basis of the Best Price-Quality Ratio (BPQR).

If two or more tenders have an equal and lowest notional tender price, the tender with the highest total quality value will be the most economically advantageous tender. If, in that case, the total quality value is also equal, the decision will be made by drawing lots.

The information submitted in the package will be assessed by means of 'direct assessment', regarding the above quality criteria. The assessment will be conducted by an assessment team consisting of experts in the field or sub-fields to be indicated.

A rating is given for each criterion or sub-criterion for which the maximum quality value has been made clear. A rating of 10 is the maximum quality value. For the rest, the link between 'rating' and 'quality value obtained' is linear. The table below contains an overview of the ratings with the corresponding quality values. In the table below, 'Valuation' describes which degree of 'added value' corresponds with a certain rating.

During the assessment, the assessment team will link the rating, valuation and quality value as follows for all quality criteria:

Rating	Valuation (degree of added value)	% of maximum quality values
10	Excellent (very high degree of added value)	100
9	Very good (significant added value)	75
8	Good (very satisfactory to substantial added value)	50
7	Reasonable (sufficient added value)	25
6	Neutral (little to no added value)	0
5	Unsatisfactory (partly inadequate/adverse/dangerous)	- 25
4	Very unsatisfactory (very inadequate/adverse/dangerous)	- 50
3	Poor (severely inadequate/adverse/dangerous)	- 75
2	Very poor (extremely inadequate/adverse/dangerous)	- 100

5.4 Complaints in Relation to the Tendering Procedure

The Contracting Authority has set up a complaints desk in accordance with the advice 'Complaints procedure for contract tendering'^[1]. Complaints in relation to the tendering procedure can be submitted to the Central Contract Tendering Complaints Desk of the RWS at the following email address: klachtenmeldpunt@rws.nl.

Complaints can be made in relation to non-compliance with statutory regulations or violations of the general principles of contract tendering.

A complaint must be submitted in writing, and must give a clear description of the aspect of the tendering procedure which the complaint relates to and the reasons for the complaint.

A complaint will be dealt with by officials who are expert in the relevant field, and who are not involved, nor will be involved, in this tendering procedure.

A complaint will be dealt with as quickly as possible; the complainant will be notified of this. The submission of a complaint will not have any suspensory effect, and will not change the circumstance that a Candidate must make a formal objection on time, or start legal proceedings on time if and insofar this is necessary or relevant.

6. Assessment of the Tender

6.1 Assessment of the Tender's completeness and legal validity

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

1. all required documents have been provided (see the checklist in the subsection 'Structure and content of the Tender' in Section 7);

^[1] For more information about the complaints desk and the advice 'Complaints procedure for contract tendering', see the website of RWS. Go to: "www.rijkswaterstaat.nl/zakelijk", and then select: Zaken doen met Rijkswaterstaat > Inkoopbeleid > Aanbesteden > Klachtenmeldpunt aanbesteden.

2. the information is correct and complete, and no adjustments have been made to the documents provided by the Tendering Authority;
3. no provisos have been made by the Tenderer (e.g. specifying that the Tenderer's own terms and conditions apply);
4. the 'European Single Procurement Document' has been completed in full and has been legally signed.

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

6.2 Assessment of requirements relating to the assignment

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

6.3 Assessment of award criteria relating to the assignment

Subsequently, all Tenders not excluded from the tendering process, will be assessed according to the award criteria stipulated in Section 5.

6.4 Determination of definitive total score

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

The Tenderer's definitive total score will be rounded to one decimal place. No scores will be rounded off until the moment that this definitive total score is determined. If two or more Tenderers have an equal definitive total score that would result in the Tendering Authority having to award the Contract to more parties than is desired, then the Tendering Authority will award the Contract to the Tenderer with the highest final score for the Quality criteria. In the event that the highest scoring Tenderer also achieve an equal score for this criterion, then determination of the Tenderer to which the Contract will be awarded will be made by drawing lots.

6.5 Assessment of evidence

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

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

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

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

Tendering Authority will inform every Tenderer of this situation. The Tendering Authority will then determine the next Most Economically Advantageous Tender. The score of the Tenderer that has just been excluded will be removed. The calculations will then be carried out once more and a new ranking will be created. The award process will then be conducted again.

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

7. Submission procedure for Tenders

7.1 Statement of agreement

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

7.2 Schedule

See schedule in Subsection 1.3.

7.3 General procedure

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

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

7.3.1 Communication

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

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

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

Carolina Correa Jaramillo Carolina.correajaramillo@rws.nl.

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

If you have any functional or technical questions regarding TenderNed, you can contact the TenderNed service desk on weekdays between 08:30 and 18:00 CET on 0800-8363376 or via servicedesk@tenderned.nl. You can also consult [TenderNed voor ondernemingen | TenderNed](#) or [TenderNed for foreign businesses | TenderNed](#).

7.3.2 eHerkenning

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

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

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

7.3.3 Questions and additional information / changes

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

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

The deadline for submission of your questions is specified in the schedule (see section 1.3). In any event, all questions asked will be answered at least 10 days prior to the deadline for submission of the Tender.

Submitting a question to the Tendering Authority

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

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

Answers from the Tendering Authority

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

Information meeting

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

The information meeting will take place at via teams on Monday October 28th, 10.00am.

If you wish to attend the teams meeting, then we kindly request you to send an email via TenderNed no later than October 24th, 11.00 am., stating the email address to be used for this purpose.

7.3.4 Validity period and submission of Tender

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

7.3.5 Variants on Tender

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

7.3.6 Costs of submitting a Tender

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

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

7.3.7 Termination of tendering process

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

7.3.8 Order of precedence of documents

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

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

7.3.9 Information about the Tenderer's obligations

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

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

- Information on taxes: the Dutch Tax and Customs Administration: (www.belastingdienst.nl).
- Provisions concerning environmental protection: the Ministry of Infrastructure and Water Management (www.rijksoverheid.nl).
- Provisions pertaining to occupational health and safety and terms of employment: the Ministry of Social Affairs and Employment: (www.rijksoverheid.nl).

7.3.10 Guide Information security and Privacy for suppliers

Protecting information and personal data is the top priority for the Ministry of Infrastructure and Water Management, Department of Waterways and Public Works (Rijkswaterstaat), Water, Transport and Environment (Water Verkeer en Leefomgeving), the directory of Security and Water. That requires significant effort from our own employees, but also from our suppliers. You can read more about it in this concise guide.

7.3.11 Inconsistencies and objections

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

7.3.12 Complaints procedure

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

7.3.13 Dispute resolution

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

7.3.14 Submission of the Tender

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

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

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

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

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

7.3.15 Structure and content of the Tender

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

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

Subject	Description	Action required from tenderer
Annex 1	European Single Procurement Document*	Fill in, legally sign and add to TenderNed
Annex 2	Requirements relating to environmental, social and labour law conditions	Add to TenderNed
Annex 3	Requirements	Add to TenderNed
Annex 4	Registration Ticket	Add to TenderNed
Annex 5	Registration State	Add to TenderNed in the 'Prices' tab page

Annex 6	Concept Service Contract	Add to TenderNed
Award criteria	A separate response to each of the Tendering Authority's award criteria chapter 5.2.1 to 5.2.3.	Add to TenderNed in the 'Quality' tab page
Reference data	Reference data Technical qualifications chapter 4.3.1. In a document of maximum half an A4 the summarised to demonstrate the experience of the researchers.	Add to TenderNed

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

7.3.16 Legally binding signature

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

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

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

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

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

7.3.17 Submission of a Tender in collaboration with other organisations

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

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

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

Tendering as a consortium

If a Tender is submitted by a consortium, then:

- Every member of the consortium must fill in and legally sign a separate 'European Single Procurement Document', which also includes a specification of who the consortium members are (see Part II of the 'European Single Procurement Document'). Indicate the role each member plays within the consortium. In the 'European Single Procurement Document', you must indicate who is in charge of the consortium (who is lead manager) and will act as its authorised representative.
- All organisations in the consortium accept joint and several liability for the fulfilment of the obligations arising from the Tender and the eventual fulfilment of the Contract. If a

consortium member relies upon the capacity of another entity in order to demonstrate compliance with the applicable Suitability Requirements (see section 4 of this document), then the subcontractor(s) in question must also complete a separate 'European Single Procurement Document', filling in parts II A, II B, III and IV and legally sign it (see the information under II C in the ESPD).

- Every member of the consortium, for their part, must provide the evidence requested for the Tender.

Submitting a tender as a principal contractor together with subcontractors

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

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

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

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

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

7.3.18 Single Tender

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

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

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

Any Tenderer whose actions violate a fundamental principle of procurement law (such as the equality principle), the result of which restricts or could restrict fair competition, will be excluded from this tendering procedure. This is also the case if the violation or the restriction of fair competition only comes to light after the announcement of the award of the Contract to all Tenderers. Prior to making the decision to exclude the Tenderer in question, the Tendering Authority will notify the Tenderer of this intention, at which point the Tenderer will be given the opportunity to demonstrate to the Tendering Authority that no violation of a fundamental principle of procurement law or restriction of fair competition has taken place.

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

7.3.20 Communication and language

During the tendering process, communication with the Tendering Authority must be conducted in English and/or Dutch.

The Tender must be submitted in English.

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

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

7.3.21 General terms and conditions

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

7.3.22 Contract conditions

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

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

7.3.23 Explanation and verification of the Tender

The Tendering Authority can request that the Tenderer explains his Tender in greater detail and/or provide substantiating documents. The Tendering Authority is entitled – although not obliged – to check the accuracy of all data and statements submitted within the scope of the Tender.

7.3.24 Request for supplementary information concerning the Tender

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

7.3.25 Announcement of the award of the Contract

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

Standstill period

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

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

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

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

Interest in relation to the judgement

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

Annexes

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

Annex 1: European Single Procurement Document (UEA)

Annex 2: Requirements relating to environmental, social and labour law conditions

Annex 3: Requirements

Annex 4: Registration Ticket

Annex 5: Registration State

Annex 6: Concept Service Contract

Annex 7: Table MEAT-BPQR / EMVI-BPKV

Annex 8: ARVODI-2018 EN-US

Annex 9: ARVODI-2018 explanatory notes EN-US