

# Selection Guideline

**European Selection Procedure  
Competitive dialogue**

**Contract AI 2026-0008 Uitvoerder Geothermie Amsterdam-Amstelveen 1**

**English translation**

**Note:**

This document consists of an English translation of the original Selection Guideline, written in Dutch. The English version is provided as a courtesy to international market parties. The Dutch version of this document shall prevail; in case of discrepancies, the Dutch version takes precedence over the English translation.

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# 1 Introduction

This document is the Selection Guideline for the purposes of the Selection Procedure regarding **AI 2026-0008 Uitvoerder Geothermie Amsterdam-Amstelveen 1** and is intended for interested economic operators who wish to register for this Selection Procedure.

This Selection Guideline includes:

- the description of the work to be carried out;
- the municipal policy objectives;
- the planning of the Selection Procedure;
- the requirements a Candidate must meet to be eligible for an invitation to the Dialogue and Tendering Phase;
- the Grounds for Exclusion, Suitability Requirements and Selection Criteria;
- the information to be provided by Candidates upon Request to Participate in the Selection Procedure;
- the other provisions for the conduct of the Selection Procedure.

## 1.1 The partners and the Contracting Authority

The parties Vattenfall Power Generation Netherlands, Energie Beheer Nederland (EBN) and the Municipality of Amsterdam have entered into a partnership and are working jointly within "Toewijzing Zoekgebied Aardwarmte Amsterdam – Amstelveen I" to develop geothermal heat for the built environment. The three parties are looking for a fourth party (an Operator) to conclude a new partnership agreement with, and for this purpose are organising a Selection Procedure set up on the basis of the Dutch Public Procurement Act 2012, Part 2a (concessions regime), according to the European competitive dialogue (with pre-selection).

Vattenfall Power Generation Netherlands (hereinafter "Vattenfall"), Energie Beheer Nederland (hereinafter "EBN") and the Municipality of Amsterdam are jointly the Contracting Authority. The Municipality of Amsterdam acts as the lead agency in the Selection Procedure and is the point of contact towards the Candidates.

The Municipality of Amsterdam is represented in this matter by the director of Uitvoeringsorganisatie Infrastructuur en Energie (hereinafter "UI&E") (Infrastructure & Energy Executive Organisation).

## 1.2 Selection Documents

The Selection Documents made available by the Contracting Authority for this Request to Participate Phase are:

- Selection Guideline including appendices
- Draft Partnership Agreement
- Term Sheet Shareholders' Agreement
- Term Sheet Service agreement

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- Term Sheet Heat Supply Agreement
- Information Memorandum

## **1.3 Definitions**

Capitalised terms used in this Selection Guideline are defined in Appendix 1 of this Selection Guideline.

## 2 Project Description

### 2.1 Description of the Project (purpose, background, location)

The description of the partnership, the parties involved, the work as well as the scope and starting points are included in Appendix 6: the Information Memorandum.

### 2.2 Joint scope of work

The joint scope of work for the four collaborating partners (including the Operator) is broadly as follows:

Result	To investigate the feasibility and, if possible, to develop and realise geothermal doublets within the area of the Toewijzing Zoekgebied Aardwarmte (TZA) for the benefit of sustainability and further growth of heat networks in the Amsterdam region.
Scope	<p>Outline:</p> <ul style="list-style-type: none"> <li>- Conducting a feasibility study (including seismic survey and data analysis)</li> <li>- Determining a preferred site and developing a layout for that site.</li> <li>- Preparing and applying for the Startvergunning and other necessary permits.</li> <li>- Preparing and taking the FID (Financial Investment Decision)</li> <li>- Setting up a Project Company with the parties involved</li> <li>- Realising and operating geothermal sources, as follows from the FID.</li> </ul>
Scope	<p>Based on the feasibility study currently being conducted and the first available data, "Amstelland" is the sub-area with the most potential. This area is thus the first to be examined for possible source locations, the idea being that the first ~30MW of geothermal energy will be realised here (if feasibility is demonstrated). Later, this may be extended to other sub-areas of the permit area and/or additional source locations in Amstelland may be investigated.</p> <p>For the Diemen heat network (heat network Vattenfall Warmte), the desired source mix for the future is laid down in the partnership agreement Verduurzaming Diemenwarmtenet (2024). This sets out the ambition for 90 MWth of geothermal energy (2040). It also lays down the ambition to realise 30 MWth in the heat network's service area roughly around Amsterdam Zuidoost as early as 2030. For Westpoort Warmte's heat network, the source strategy is set out in the business plan. This also includes the ambition to utilise geothermal energy from 2035. These are the ambitions currently defined for existing district heating networks.</p>
Delineation	The partnership is determined by the position the parties have as holders of Toewijzing Zoekgebied Aardwarmte Amsterdam - Amstelveen I, which also has a geographical delineation. No exact locations have yet been determined or other permits obtained.

### 2.3 Selection of the Operator

The partners in the current partnership (EBN, Vattenfall, Municipality of Amsterdam) are seeking additional expertise from an Operator for the development, realisation and operation of geothermal heat sources. The Operator is a market participant that has the technical capabilities and meets the legal requirements as set out in the Dutch Mining Act to responsibly carry out the work associated with geothermal drilling and extraction. The Operator plays a crucial role both

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during the continuation of the research and development phase and during the realisation and operation of the geothermal sources.

The Operator first plays a role in finalising the feasibility study. The latest seismic data are currently expected to become available in mid-2026, so that it is desirable to have the Operator on board as soon as possible to analyse these data and establish the feasibility of the project together with the other parties. For this work and to safeguard the long-term partnership, the new party (the Operator) will be added to the current partnership between Vattenfall, EBN and the Municipality of Amsterdam. To this end, a Partnership Agreement will be concluded between these four parties, which is a version of the previously agreed partnership agreement (2024) between Vattenfall, EBN and the Municipality, modified in certain respects.

If the realisation and operation of a geothermal heat source is commenced, a new legal entity will be established for this purpose: a Project Company. It is expected that a new Project Company will be established for each geothermal heat source to be developed. The Project Company will be responsible for the development, realisation, operation and financing of the geothermal sources, with the Operator carrying out most of the activities. The Project Company instructs the Operator in this regard. Moreover, the Operator will be one of the shareholders who will make risk-bearing investments. In accordance with the Dutch Mining Act, EBN will take a 20-40% stake in this entity to safeguard the public interest and for the contribution of its knowledge and expertise of geothermal projects. Vattenfall and the Municipality of Amsterdam may participate in the entity, which will be decided later. This also means that only after the Selection Procedure is completed it will be decided to what extent the Operator will participate in the Project Company.

The following criteria apply to the Selection Procedure:

1. During the Research & Development Phase, costs to be incurred are shared equally between the four collaborating parties. Each party thus bears 25% of the costs; this includes the upfront costs as defined in the Partnership Agreement.
2. The range for the Operator's participation in the Project Company is between 40% and 80%.
3. A Tenderer must be capable to participate in the Project Company for 80% (being the maximum possible share of the Operator in the Project Company). This criterion is articulated in the Suitability Requirement with respect to financial and economic standing.

Tenders must at least be in line with these three criteria. It should be noted that the bandwidth for the participation of the Operator must be considered in its full scope, meaning that the Operator's participation may result in either a majority interest of 80% or a minority interest of 40%. The actual participation percentage of the Operator will be determined per Project Company during the Research & Development phase.

## 2.4 Parties involved

The current Permit Holder of the Toewijzing Zoekgebied Aardwarmte Amsterdam – Amstelveen I consists of four parties in this case. The Municipality of Amsterdam and Vattenfall are both actively involved in carrying out the work under the permit. These parties signed a partnership

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agreement for this purpose in 2024, to which EBN is also a party. However, the Province of North Holland and Eneco, which are also official permit holders, no longer participate in the project. They confirmed this by co-signing the partnership agreement (2024), which stipulates that they will no longer exercise rights in relation to the permit. Therefore, they are not parties to the application for the Startvergunning. However, as described above, EBN is an active partner in the partnership and, from that role, is also part of the new Partnership Agreement. The role and interest of the actively involved parties are detailed in the Information Memorandum and in the new Partnership Agreement.

## 2.5 Objectives

The key points for the project concern the themes of Sustainability, Affordability, Reliability and Engagement. Specific objectives have been set for these themes:

- **Sustainability:** The sustainable realisation and operation of geothermal sources, with minimal impact on the local environment and surroundings.
- **Feasibility:** Realising and operating geothermal sources based on a sound business case for parties involved with attention to the lowest possible costs for end users.
- **Reliability:** Realisation and operation of geothermal sources in a demonstrably safe and robust manner, such that these sources provide reliable and continuous heat for the base load of the connected heat network.
- **Engagement:** Realising and operating geothermal sources in good coordination with local residents and other interested parties on the basis of a transparent and equitable process.

The partners are looking for a partner who, together with them, will contribute towards these objectives to the maximum extent. There is no prioritisation between the objectives. When conducting the feasibility study and preparing for the investment decision, the aim is to find the optimal balance in achieving the objectives; efforts towards one objective must not be at the expense of another.

## 2.6 Project planning and phasing

The Mining Permit Toewijzing Zoekgebied Aardwarmte Amsterdam-Amstelveen 1 was granted with a term of five years (until 25 February 2028) and has an extension option of one year based on the new Mining Act. Within this term, a site must be selected and feasibility established, based on research. To then be allowed to drill and test wells, a Startvergunning must be granted by the Minister of Climate and Green Growth. This Startvergunning must be applied for before the deadline of Toewijzing Zoekgebied Aardwarmte. A request for consent with the Operator must also be submitted with the request for a Startvergunning. This means that the application for the Startvergunning must be submitted by early 2028 at the latest, unless a renewal of the TZA is obtained until early 2029. This Selection Procedure has been initiated by the Contracting Authority because the Operator is required for the preparatory work (as included in the Partnership Agreement).

A geothermal project can be roughly divided into the following phases:



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1. **Feasibility** – In this phase, the technical and economic feasibility of a project is established, and an initial draft is prepared. This sub-phase concludes with a **Feasibility Decision**.
2. **Basic Design** – In this phase, an optimal draft is selected and elaborated to lay the basis for detailed design, Startvergunning application and SDE subsidy application. This sub-phase concludes with a **Commitment Decision (CD)**.
3. **Detailed Design** - In this phase, the plans and drafts are further developed and the project is prepared for implementation, to use as a basis for the investment decision. This phase ends with taking the **FID**.
4. **Realisation & Operation** – In this phase, all the work surrounding the realisation and operation of the project will be carried out under the agreement in respect of the Project Company (whereby the Project Company issues orders to the Operator). The Partnership Agreement remains in force with regard to the partnership.

The first three phases collectively form the **Research & Development Phase** and are carried out under the Partnership Agreement. These three phases are explained in more detail in the Partnership Agreement.

For possible future geothermal sources in the different sub-areas within the TZA, the Research & Development Phases will be completed for each sub-area (within the Partnership Agreement). In case of a positive FID, realisation and operation will commence, most likely under a newly formed Project Company for each sub-area. The Contracting Authority classifies these future developments as 'options' as referred to in the Dutch Public Procurement Act 2012, Article 2a.53 (and referred therein to Article 2.163c), see section 2.10.1 ab ove.

## 2.7 Policy objectives of the Municipality of Amsterdam

This Selection Procedure is subject to the policy objectives of the Municipality of Amsterdam. Community funds are used in procurement and tendering. Amsterdam has a responsibility to spend these funds lawfully, effectively, efficiently and with integrity. That results in the following mission:

Amsterdam's procurement function supports the administration and municipal organisational units to achieve their strategic objectives by realising social added value on the supplier market at the most optimal conditions, thereby enabling them to do more with public funds. To achieve this objective, a number of principles have been formulated:

- Maximum social added value at a market-based price
- Regularity
- Professional and good commissioning practices
- Optimisation of chain costs
- Partnership between different municipal organisational units

This involves finding a balance between available budgets, solutions available in the market, the tasks to be performed by the organisation and the policy or other objectives set. Said principles have been elaborated in principles or policy objectives

### 2.7.1 General information on the policy principles of the Municipality of Amsterdam

On behalf of the Contracting Authority, the Municipality of Amsterdam is the lead agency for this Selection Procedure (see also section 1.1). The Municipality of Amsterdam operates in a rapidly changing environment of great complexity. That calls for an accountable, flexible government that listens, acts, and delivers. The Municipality must therefore be able to respond quickly, flexibly and adequately to the city's daily demands, both on a metropolitan and at neighbourhood level. The Municipality's objective is to be an effective government that takes responsibility but also gives citizens and economic operators room to grow. All the Municipality's actions are centred on the people of Amsterdam and the public interest.

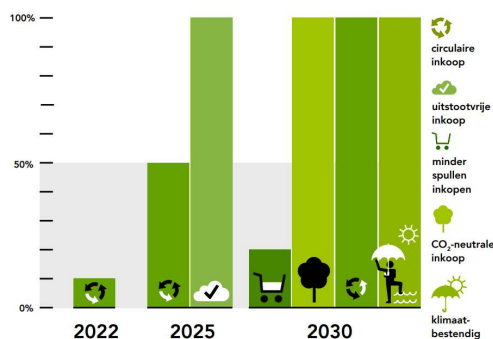
Based on the policy objectives of the Municipality of Amsterdam, six social themes have been identified in this Selection Procedure. These are themes that the Municipality of Amsterdam applies in every tender it conducts. More information on the specific policy principles can be found at [www.amsterdam.nl/inkopenmetinvloed](http://www.amsterdam.nl/inkopenmetinvloed).

The six social themes are briefly described in the following sections, including how the theme is given a place within the partnership. The specific requirements and conditions, as they arise from the policy principles and apply to the way the work is to be carried out by the Partners, are specifically included in the Partnership Agreement.

### 2.7.2 Sustainable

*"Climate change is among the single greatest challenges in human history. Considerable strides have been made in recent years, but we are far from safe."* – Coalition Agreement Municipality of Amsterdam, May 2022

The sustainability ambitions of the Municipality of Amsterdam have been translated into five municipal objectives for procurement: Maximum Energy Efficiency, Zero Emissions, CO<sub>2</sub> Neutral, Circular and Climate Adaptation. The chart below shows the deadlines for achieving the objectives.



Overview of climate objectives for Procurement (More information on the policy? Click [here](#).)

Procurement is applied strategically to help achieve and, where possible, accelerate the sustainability objectives. In this regard, Amsterdam is leading by example. This calls for an impact-oriented approach to sustainable procurement that focuses on so-called 'promising procurement

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packages' or categories, as well as promising municipal 'assets' with a potentially large sustainability impact.

For our own organisation, the urban programmes have been translated into the implementation agenda 'Towards a Sustainable Organisation 2020-2030'. See for more information [www.amsterdam.nl/greenoffice](http://www.amsterdam.nl/greenoffice)

During the Research & Development Phase, the Partners jointly determine how to implement this policy theme.

### **2.7.3 Public health**

Procurement can enable the objectives of achieving a healthy living environment. In making the physical environment healthier, five themes are put central: a smoke-free environment, healthy nutrition, a healthy indoor and outdoor environment, sufficient physical activity and space for relaxation and social interaction. In achieving this, the Amsterdam health logic can be taken as a guideline for procurement; it offers 12 principles for a healthy living environment. It thus provides a guide and inspiration for promoting health in spatial plans and procurement.

During the Research & Development Phase, the Partners jointly determine how to implement this policy theme.

### **2.7.4 Inclusion and diversity**

The Municipality of Amsterdam aims to be an inclusive and diverse organisation. An organisation that embraces differences and harnesses everyone's unique talent. At all job levels, Amsterdam aims to reflect the working population. Diversity is a quality within the Municipality. People are valued for who they are and what they can do. We actively counter exclusion and discrimination. Through the procurement activities, the Municipality aims to encourage contracting authorities and economic operators to contribute to an inclusive and diverse organisation. We think it is important that everyone can participate and that there is a place for everyone.

During the Research & Development Phase, the Partners jointly determine how to implement this policy theme.

### **2.7.5 Innovation**

Amsterdam wants to prepare the city for the future. The Municipality wants to accelerate and improve services and be a leading and future-proof municipality. That is why we are working on innovative solutions, technological capabilities and new methods. The intelligent use of technology leads to innovative ideas that help solve Amsterdam's challenges. Technological innovation is happening in many areas: connectivity, mobility, circular economy, health, education, democratisation and energy & climate. Through procurement, Amsterdam aims to encourage contracting authorities and economic operators to contribute to innovative solutions. We enjoy working with innovative partners and involving economic operators in a procurement process at an early stage.

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During the Research & Development Phase, the Partners jointly determine how to implement this policy theme.

### **2.7.6 Supply chain responsibility**

Amsterdam wants to prevent working conditions, human rights and environmental abuses in the chain as much as possible. We call this supply chain responsibility. International Social Conditions (ISV) are a means to this end and aim to address abuses in both the local, national and international supply chain.

This includes social abuses such as forced labour, child labour, unsafe and unhealthy working conditions and financial exploitation, as well as ecological abuses such as environmental pollution and deforestation.

Taking supply chain responsibility means that both the Municipality of Amsterdam and all parties involved in the (international) production chain take responsibility for good conditions for humans, nature and the environment. We do this by applying 'due diligence' in high-risk tenders. By doing so, the city contributes to reducing social abuses and environmental risks and promoting justice and sustainability worldwide. For high-risk categories, all tenders above the European thresholds must include ISV on a mandatory basis.

During the Research & Development Phase, the Partners jointly determine how to implement this policy theme.

### **2.7.7 Integrity**

This Selection Procedure and the resulting Agreements are subject to the Policy Rule on Integrity and Agreements. The Policy Rule on Integrity and Agreements is available on the internet and can be downloaded at: <https://www.amsterdam.nl/bestuur-organisatie/volg-beleid/veiligheid/integer-handelen/beleidsstukken-bio/> Policy Documents Policy Rule Integrity and Agreements (BIO) - Municipality of Amsterdam

Further information on the Policy Rule on Integrity and Agreements and integrity screening is provided in section 4.2.

## **2.8 Market Consultation**

The Contracting Authority conducted market consultations in 2024 and in 2025. The information provided by the Contracting Authority to the relevant market participants is included in Appendix 9 of this Selection Guideline. This is done to ensure a level playing field for all Candidates. It should be noted that parts of the information provided in Appendix 9 is currently outdated or modified. The information included in the agreements, the Selection Guideline and the Information Memorandum shall prevail.

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## 2.9 Agreement types

There is one main agreement that is used: the Partnership Agreement. For the further development of geothermal sources, one or more Shareholders' Agreements, Service Agreements and Heat Supply Agreements will be used. The first contract is intended for the partnership and works during phases 1 to 3; the second set of contracts is intended for the realisation and operation phase (phase 4). This is explained further below:

### 1. Partnership Agreement - for the purpose of the Research & Development Phase

The selected Operator will enter the current partnership of Vattenfall, the Municipality and EBN. To this end, the four parties (the Operator, the Municipality, Vattenfall and EBN) will conclude a (new) **Partnership Agreement** which will establish the partnership during all phases of the project. The Partnership Agreement oversees the Research & Development Phases and within this Partnership Agreement, the possibilities for successful operation of one or more geothermal heat sources are further explored. For each planned investment decision (for 1 or more doublets), the parties carry out the work and go through the phases and decision moments as laid down in the Partnership Agreement and described in section 2.6.

Taking the FID ends the Research & Development Phase for a specific site after which the scope is further conceived and realised through the Project Company (see below). The Partnership Agreement remains in force if new potential sites for geothermal sources are still being explored within the Toewijzing Zoekgebied Aardwarmte and the project is still in the Research & Development Phase for these sources.

The Partnership Agreement defines the roles, tasks and responsibilities of the parties for the first 3 phases (up to FID).

The draft version of the Partnership Agreement is attached in Appendix 7 of this Selection Guideline.

### 2. Shareholders' Agreement/ Project Company - *for the purpose of realisation and operation phases*

A legal entity, in the form of a Project Company, will be established for the purpose of the realisation and operation phase. A Shareholders' Agreement will be entered into for this purpose. The term sheet of the Shareholders' Agreement (named **Term Sheet Shareholders' Agreement**) is set out in Appendix 8 to this Selection Guideline.

The Shareholders' Agreement will be jointly prepared during the Research & Development Phase based on and in accordance with what is stated in the Term Sheet. The Operator and EBN are intended shareholders of the Project Company in any case, provided the parties have taken a positive FID. The Municipality and Vattenfall may become shareholders. The final set-up of the Project Company is subject to discussion during the Research & Development Phase under the applicability of the Partnership Agreement.

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In addition to the Shareholders' Agreement, one or more Service Agreements between the Operator and the Project Company and a Heat Supply Agreement between the Heat Purchaser (currently: Vattenfall Warmte) and the Project Company are also prepared for FID (i.e. under the Partnership Agreement) for the realisation and operation phases. The term sheets of both agreements (named **Term Sheet Service Agreement** and **Term Sheet WLO**) are included in Appendix 8 of this Selection Guideline.

An important principle is that the Contractor will, in addition to being a shareholder, also act as the contracting party of the Project Company (via the Service Agreement). This requires attention in determining how the governance structure within the Project B.V. should be organised. Appropriate safeguards must be put in place regarding the interrelation of the agreements and the supervision of those agreements, to prevent any form of 'marking one's own homework'.

## 2.10 Specific contract conditions

### 2.10.1 Optional works in the context of the Dutch Public Procurement Act 2012

As explained previously, the nature of the project is initially a partnership aimed at assessing whether the profitable development and operation of one or more geothermal doublets is feasible. During the Research & Development Phase, the activities under the Partnership Agreement will focus primarily on completing the feasibility study in Amstelland I and - if feasible - the connection to the Diemennet.

In addition, within the Toewijzing Zoekgebied, it is foreseen that other potential source locations will be explored to supply geothermal heat to the other (existing) heat networks within Amsterdam. For each of these source locations the Research & Development Phase will be carried out, after which – following a positive FID - it will likely proceed to the establishment of one or more new Project Companies for realisation and operation.

The total future scope for geothermics, and the required number of doublets, within the Toewijzing Zoekgebied is currently unknown, as this strongly depends on subsurface conditions, availability of suitable surface locations, and market demands. For this reason, all activities to be carried out for the future scope (including all activities in the Research & Development Phase, the realisation phase and the operation phase) are considered options as referred to in the Dutch Public Procurement Act 2012, Article 2a.53 (and Article 2.163c referenced therein). These options form part of this Selection Procedure and may be invoked during the Research & Development Phase following a joint decision by the Partners.

### 2.10.2 Division of tasks and responsibilities

During the Research & Development Phase, the four Partners equally share the costs incurred. The Parties jointly define a work programme and budget, and a working group and a steering committee are set up within which decision-making takes place. Each of the four Partners is represented in the Working Group and Steering Committee. The Operator will have the role of Project Manager within the partnership. The division of tasks and responsibilities is set out in the Partnership Agreement.

### **2.10.3 Duration and (maximum) scope**

The term of the Partnership Agreement to be concluded with the Operator is not fixed in advance. The Partnership Agreement ends when the Toewijzing Zoekgebied Aardwarmte Amsterdam – Amstelveen I is no longer in force and the parties decide not to apply for a new permit Toewijzing Zoekgebied Aardwarmte in this area. On the basis of the Partnership Agreement, one or more new legal entities (one or more Project Companies) may be established to undertake the realisation and operation of a geothermal source. The duration of the, or each, Project Company cannot be determined in advance and is therefore set for an indefinite period. This aligns with the term of permits issued under the Mining Act and the obligations arising therefrom.

This requires the following explanation: The present Toewijzing Zoekgebied was issued under the 'old' permit regime and therefore has a validity of 5 years, with the possibility of a single one-year extension. The validity of the permit already granted expires on 25/02/2028.<sup>1</sup> However, it may still be extended by one year until 25/02/2029. At the point, the Startvergunning must be applied for at the latest. For the Toewijzing Zoekgebied permit, each time a Startvergunning is applied for, an extension of the Toewijzing Zoekgebied may be requested for four years.

The Startvergunning has a maximum validity of two years, with the possibility of a single one-year extension. At that time, the follow-up permit regarding the operation of the source must be applied for. This permit is initially issued for a period of 15 years, but may be extended provided that the technical and safe operation of the well can be demonstrably guaranteed. Under normal circumstances, the Contracting Authority expects that the well can be operated technically and economically for at least 25 to 30 years.

For all future Startvergunningen, the above terms will apply. The total duration of the permits, the activities under the Partnership Agreement and/or the Shareholders' Agreements therefore depends on the locations, the schedule and the number of geothermal sources that will ultimately be realised. Consequently, the duration cannot be determined in advance, and for this reason it has been decided to set the term of the agreements for an indefinite period.

### **2.11 Justifications pursuant to the Dutch Public Procurement Act 2012**

In the Contracting Authority's opinion, this Selection Procedure does not constitute a case of contract aggregation. In this regard, the Contracting Authority notes that, strictly speaking, this does not concern a public contract, as the Selection Procedure revolves around contracting a partner and, consequently, no client-contractor relationship exists.

The Selection Procedure concerns the assessment of the feasibility and development of geothermal sources (doublets) within the entire Toewijzing Zoekgebied Aardwarmte Amsterdam – Amstelveen I. The initial phase involves examining the technical and economic feasibility of

<sup>1</sup> Under the current Mining Act, a Toewijzing Zoekgebied Aardwarmte is granted for four years, with a one-year extension option. The current permit was granted as an 'exploration permit' (old system) for five years. That has been transferred to Toewijzing Zoekgebied Geothermal in the new regime. 5+1 years.

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realising 30 MWth of geothermal capacity in the "Amstelland" area. Following a positive FID, the project will proceed to the realisation and operational phases. Subsequently, other promising locations within the designated area may also be developed, realised and operated. The potential overall scope is therefore substantial; moreover, the activities are highly interrelated, and the organisational implications and risks for the Contracting Authority of not considering these activities as a single integrated whole are significant.

The project will not be divided into plots. The reasons for this are as follows:

- **Permits and Operator:** The Toewijzing Zoekgebied Aardwarmte permit has been issued for one coherent search area. For each subsequent Startvergunning, an operator must be appointed and approved by the Ministry of Climate and Green Growth. Although switching operators per permit is possible, it is considered undesirable and inefficient.
- **Complex subsurface:** Geothermal production requires an understanding of a broader geological system. A single Operator can develop a robust subsurface model and manage the associated risks, which is essential for establishing a realistic business case.
- **Knowledge development and consistency:** Retaining a single Operator across the search area enables cumulative learning, reduces the risk of inconsistencies, and helps to maintain cost control. Changing Operators would undermine knowledge retention and make participation less attractive to market parties.
- **Financing and risk allocation:** the development of geothermal sources is capital-intensive and involves significant risk. Assigning the full scope to a single party allows the Operator to spread investments and risks, which is crucial for bankability and maintaining market interest.
- **Flexibility and legislation:** The chosen strategy allows for expansion within the same area after successful realisation of the initial sources and aligns with permitting procedures under the Mining Act. A division into plots would unnecessarily complicate future expansion.
- **Integral responsibility:** As the Operator is expected to finance and operate the assets largely at its own risk, dividing the scope into plots would be illogical. Design, realisation, financing and operation should remain under the responsibility of a single party to enable optimal control over profitability.

**Other justifications:**

- The term of the Partnership Agreement and the Shareholders' Agreements is not contractually predetermined; reference is made to the justification provided in paragraph 2.10.3.
- The specification of the options (as referred to in Article 2a.53 of the Dutch Public Procurement Act 2012, with a further reference therein to Article 2.163c) cannot be determined in advance. Reference is made to the justification provided in paragraph 2.10.1. The scope of the project is, however, limited in terms of physical location: the geothermal sources to be realised must be situated within the Amsterdam-Amstelveen 1 search area.
- For the Suitability Requirements concerning technical competence, an extended reference period of 10 years is applied for assessing the core competences, to ensure that sufficient suitable references remain available to multiple candidates.



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- A Suitability Requirement regarding the financial and economic standing of the Candidate has been included. In addition, financial and economic standing will be taken into account as part of one of the Contract Award Criteria. This is important because the Operator must be both financially robust and able to provide, or attract, sufficient financial resources to acquire a significant interest in the Project Company. As no concrete business case is yet available on which financial robustness can be assessed, and given the expectation that the investment will occur approximately 3–5 years after contract award, it has been decided to include a minimum requirement (Suitability Requirement) while also assessing the substantiation of financial robustness in the award phase, in the form of a capital investment plan. The level of the Suitability Requirement is aligned to the maximum share that the Operator may be allocated in the Project Company for the realisation of 2 geothermal doublets, thereby reflecting the substantial investment required from the Candidates, while respecting the principles of proportionality, and ensuring that this Selection Procedure remains accessible to as many market parties as possible.

## 3 Description of the procedure

### 3.1 Rules and procedure

The Selection Procedure is conducted based on the Dutch Public Procurement Act 2012, Part 2A (concessions regime) and is structured according to the European competitive dialogue (with pre-selection) in accordance with Chapter 4 of the Procurement Regulations for Works 2016.

The Selection Procedure has 3 phases: a Request to Participate Phase, a Dialogue Phase and a Tendering Phase (including the Evaluation Phase). This Selection Guideline covers the Request to Participate Phase.

The purpose of the Request to Participate Phase is to select up to four (4) market parties to be invited to participate in the Dialogue and Tendering Phases.

The Dialogue Phase and the Tendering Phase are described in more detail in the Dialogue and Tender Guide. The Dialogue and Tender Guide will be provided to the Selected Candidates only. The Dialogue and Tender Guide detail the requirements for submitting a Tender.

The Request to Participate Phase will take place entirely digitally via TenderNed, except for the clarification meeting referred to in paragraph 3.10. All Selection Documents will be provided digitally, in some cases both as an editable document and as a PDF version. In the event of any inconsistencies, the PDF version shall prevail over the editable version

### 3.2 Announcement of the Selection Procedure

The announcement was published on 23 February 2026 on the electronic database of TenderNed ([www.TenderNed.nl](http://www.TenderNed.nl)).

### 3.3 Description of the Selection Procedure

For the sake of completeness, and to give the Candidates with full insight, the entire Selection Procedure has been set out in an overview. This overview is included in Appendix 1. The Contracting Authority reserves the right to amend the procedural steps and information to be provided, where justified, within the principles of non-discrimination, equal treatment, transparency and proportionality.

### 3.4 Dialogue Phase, Tendering Phase and Award Criteria (EMVI)

After the Request to Participate Phase, the Selected Candidates will receive an invitation to participate in the Dialogue and Tendering Phases accompanied by the Selection Documents via TenderNed.

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The contract award criterion used is the Most Economically Advantageous Tender (MEAT, in Dutch: EMVI), based solely on quality (100% quality). This is in accordance with Part 2A, Article 2a.50 of the Dutch Public Procurement Act. The quality will be assessed on the basis of the Plan of Approach, which shall include the following components:

- K1: Cost management and pricing plan
- K2: Organisation and implementation for FID plan
- Q3: Risk management plan
- Q4: Capital investment plan

As part of the quality assessment, an interview will be conducted. Tenderers will be invited for an interview concerning the Plan of Approach. The purpose of the interview is to allow the Tenderer's key personnel to give a presentation on the Plan of Approach and to be questioned on the four quality aspects.

### 3.5 Contact details

On behalf of the Contracting Authority, the Municipality of Amsterdam is the lead agency for this Selection Procedure.

Branch visiting address:

Name:	Municipality of Amsterdam Infrastructure & Energy Implementing Organisation
Address:	Entrada 600, 1114 AA
City:	Amsterdam-Duivendrecht
Contact Contracting Authority	See TenderNed

### 3.6 Correspondence

All correspondence, with the exception of the submission of complaints, must be conducted through TenderNed.

Candidates are not permitted to communicate with employees of the Contracting Authority or with persons involved on behalf of or for the Contracting Authority in any manner other than as described in this Selection Guideline, unless prior written consent has been granted by the Contracting Authority. Candidates shall submit any request for such written consent as a request for information to the Contracting Authority.

The Candidates who act contrary to the provisions of this paragraph may be excluded from further participation in the Selection Procedure. In reviewing whether to proceed with exclusion, the Contracting Authority will consider the following circumstances:

- i. whether, in the Contracting Authority's opinion, the Candidate concerned has obtained, through or as a result of such contact, information or insights that have improved or could have improved its competitive position,
- ii. whether, in the Contracting Authority's opinion, the Candidate concerned has, through or as a result of such contact, had or could have had an influence on the outcome or the course of the Selection Procedure.

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The Candidate is responsible for a correct Request to Participate and registration of the contact details so that the Candidate receives all messages regarding the Selection Procedure (in a timely manner). In view of possible illness, holidays or unforeseen issues, the Contracting Authority advises Candidates to always grant at least one colleague additional user access to the Selection Procedure in addition to the contact person. To do so, see the instructions on the TenderNed 'Ondernemingen' page.

If a new contact person is appointed during the Selection Procedure, you must immediately notify the Contracting Authority in writing via the messaging module. If at any time you wish to cancel your participation in the Selection Procedure, you must make this known in the Tendering Platform via the 'Annuleer voornemen tot deelname' button, if applicable, supported by a justification.

In case of technical questions about the Tendering Platform, the Candidate can contact the service desk of TenderNed, through <https://www.tenderned.nl/cms/nl/contact>

### 3.7 Working language

The Selection Procedure will be conducted in Dutch or English. Unless stated otherwise or indicated otherwise in writing by the Contracting Authority in the remainder of the Selection Procedure, all documents submitted by the Candidates to the Contracting Authority must be written in the Dutch or English language.

The Selection Documents, except for the Information Memorandum, have been drafted in the Dutch language by the Contracting Authority; an English translation is also made available. In the event of any inconsistencies, the Dutch version of the Selection Documents shall prevail over the English version. The Information Memorandum has been drafted solely in the English language.

### 3.8 Planning Selection Procedure

The following schedule applies to the Selection Procedure. The dates provided may be amended by the Contracting Authority during the course of the Selection Procedure.

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Component	Date / Time
<b>Request to Participate Phase</b>	
Publication of Selection Documents Request to Participate Phase TenderNed	23-02-2026
Plenary clarification meeting Request to Participate Phase	05-03-2026, 10:00 hours
Deadline for requesting further information for the purpose of Request to Participate	11-03-2026, 14:00 hours
Publication of final Clarification Document Request to Participate Phase	19-03-2026
Deadline for submission of Requests to Participate	02-04-2026, 14:00 hours
Selection Decision Notification	14-04-2026
End of remedies period (7 calendar days)	21-04-2026
Final selection of Candidates and sending invitation to participate Dialogue and Tender Phase	22-04-2026
<b>Dialogue phase (preliminary planning)</b>	
Publication of Selection Documents for the Dialogue and Tendering Phases	23-04-2026
Plenary clarification meeting Dialogue and Tender Phase	07-05-2026
Deadline for submitting agenda for dialogue round 1	11-05-2026, 14:00 hours
Dialogue Meeting 1	18/19-05-2026
Deadline for submission of 1st round further information questions	20-05-2026
Publication Clarification Document Dialogue and Tender Phase 1	29-05-2026
Deadline for submitting agenda for dialogue round 2	02-06-2026, 14:00 hours
Dialogue Meeting 2	8/9-06-2026
Deadline for submitting 2nd round of further information questions	10-06-2026
Publication Clarification Document Dialogue and Tender Phase 2	18-06-2026
Completion of Dialogue Phase	18-06-2026
<b>Tendering Phase (preliminary planning)</b>	
Deadline for Tender submission	03-07-2026, 14:00 hours
Oral explanation of the Tender Submitted (interview)	Week 29 2026
Notification of the Award Decision	10-09-2026
End of legal protection period (20 calendar days)	30-09-2026
Final Award	01-10-2026

The schedule described above is indicative. The Contracting Authority reserves the right to amend the schedule. Any changes to the schedule will be announced by the Contracting Authority via the Tendering Platform. The (amended) schedule on the Tendering Platform shall at all times prevail. No rights may ever be derived by a Candidate or Tenderer from any changes to the schedule.

The final schedule of the Dialogue and Tender Phases will be provided in the Dialogue and Tender Guideline in due course.

### 3.9 Further information for the Request to Participate

The Candidates participating in this Selection Procedure are responsible for checking the proper receipt of the Selection Documents. If the Selection Documents have not been received or have not been received in full, the Candidate must immediately notify the Contracting Authority, refer to paragraph 3.11.

The Candidates will have the opportunity to request further information regarding the contract notice and the documents relevant to the Request to Participate. Requests for information may be submitted **continuously** until the date and time for specified in paragraph 3.8 for requesting information. The Candidate should use the 'question and answer' module of the Selection Procedure on TenderNed for this purpose. This requires the Candidate to click on 'ask a question' (per question), then process your question and click on 'send'.

Questions should include a reference to the document and page or paragraph number to which the question or objection relates, be a stand-alone question and not a collection of multiple questions. The Candidate is also requested not to use company names, product names and/or other names related to your company in the query. All questions and objections are answered anonymously using the 'question and answer' module on TenderNed (Clarification Document). Responses to questions will be provided no later than the time indicated in the schedule.

If a Candidate disagrees with a provision in the Partnership Agreement or in one of the term sheets, it may submit a reasoned request for deviation, accompanied by an alternative proposal, in the same manner as submitting questions. The Contracting Authority will assess this alternative and will publish a response in the same manner as a response to a question.

Through the messaging module, the Candidate will be notified when the questions and answers relating to the Request to Participate Phase Clarification Document are ready, however, this is merely an additional service, and no rights may be derived from it. The Candidate is solely responsible for timely downloading and reviewing of the questions and answers in the Request to Participate Phase Clarification Document. The Request to Participate Phase Clarification Document forms an integral part of the Selection Documents and prevails as a document over the Selection Guideline in the event of any inconsistency.

### 3.10 Clarification Meeting on the Request to Participate Phase

The Contracting Authority will organise a plenary clarification meeting for the Request to Participate Phase on the day and time as mentioned in paragraph 3.8. The clarification meeting will include a general explanation by the Contracting Authority on the partnership, the collective task and the Selection Procedure. The clarification meeting will take place online via MS Teams.

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The Contracting Authority requests the Candidate to register the persons who will attend the clarification meeting through a message in TenderNed prior to the clarification meeting, stating the e-mail addresses of the relevant participants. The Contracting Authority will then send an invitation to the MS Teams meeting to the participants of the Candidates.

The record of the clarification meeting will be prepared and published on TenderNed.

### **3.11 Duty to warn, Forfeiture of rights**

The Selection Documents have been prepared with due care. Nevertheless, if a Candidate believes that the aforementioned documents contain any ambiguity, inaccuracy, unlawfulness or any other irregularity, the Candidate must notify the Contracting Authority of such ambiguity, inaccuracy, unlawfulness or irregularity in writing as soon as possible, or request clarification by submitting a request for information (as described in paragraph 3.9). A proactive attitude is expected from the Candidate in this regard. If the Candidate has not, no later than the moment of submitting a request for information (paragraph 3.9) and in the prescribed manner, notified the Contracting Authority of any ambiguity, inaccuracy, unlawfulness or other irregularity, the Candidate shall forfeit the right to invoke such ambiguity, inaccuracy, unlawfulness or irregularity (whether in or out of court).

By submitting a Request to Participate, the Candidate declares that it has taken note of and agrees to all the conditions, principles, requirements, modalities and reservations included in this Selection Guideline including its appendices and the information published on TenderNed. After the expiry of the periods set for this purpose, the Candidate may no longer invoke any ambiguities, inaccuracies, illegalities and/or irregularities.

### **3.12 Participation Requirements**

The Request to Participate must be submitted no later than the date and time stated in paragraph 3.8 via TenderNed. The specified time constitutes the final deadline. Any Request to Participate not received by the Contracting Authority by this deadline or any Request to Participate submitted by post, registered post, e-mail or other means will not be considered by the Contracting Authority.

The Request to Participate must comply with the minimum requirements in the Selection Guideline and its appendices. The documents to be submitted with the Request to Participate must be drawn up in the Dutch or English language. Any documents to be submitted with the Request to Participate that expressly include a space for signature must be signed by the duly authorised representative(s) of the Candidate, as evidenced by an extract from the professional or commercial register to be submitted with the Request to Participate (in the Netherlands: the commercial register of the Chamber of Commerce) in accordance with the legislation of the Candidate's country of establishment, or by means of a power of attorney to be submitted with the Request to Participate (and signed by the aforementioned representative(s)). Requests to Participate not duly signed will be set aside and excluded from further participation in the Selection Procedure.

### 3.13 Documents to be provided upon application

The documents below should be submitted at the time of Request to Participate.

Document/Appendix		To be submitted by	Reference
<b>A</b>	Uniform Europees Aanbestedingsdocument (UEA) (European Single Procurement Document (ESPD)), completed and duly signed	Candidate (Lead Contractor), Participants in a Consortium and Third Parties	Paragraph 4.1.
<b>B</b>	Extracts from the professional or commercial register (in the Netherlands: the commercial register of the Chamber of Commerce – Kamer van Koophandel) in accordance with the legislation of the Candidate's country of establishment and - if applicable - supplemented by a power of attorney.	Candidate (Lead Contractor), Participants in a Consortium and Third Parties	Section 4.3.1.
<b>C</b>	Suitability requirements, Technical ability - core competencies: Form reference data as per Appendix 2 of this Selection Guideline. Note: one form must be submitted per reference assignment	Candidate (Lead Contractor), Participants in a Consortium and Third Parties jointly	Section 4.3.4.
<b>D</b>	Evidence to support the applicable Selection Criterion: <ul style="list-style-type: none"> <li>- S1/S2: Form reference data as per Appendix 2 of this Selection Guideline. Note: one form must be submitted per reference assignment</li> <li>- S3: CVs and/or Form Reference Data as per Appendix 2 of this Selection Guideline. Note: one form must be submitted per reference assignment</li> </ul>	Candidate (Lead Contractor), Participants in a Consortium and Third Parties jointly	Paragraph 4.4.
<b>E</b>	Russia declaration (Appendix 4)	Candidate (Lead Contractor), Participants in a Consortium and Third Parties	Paragraph 4.2.



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The Candidate or the Participants in a Consortium and, where applicable, the Third Party/parties must submit one or more of the following supporting documents within a period of five (5) calendar days of a request to that effect from the Contracting Authority:

Document/Appendix		To be submitted by	Reference
<b>F</b>	Certificate of Conduct for Procurement, or equivalent document issued by a competent authority in the Candidate's country of establishment	Candidate (Lead Contractor), Participants in a Consortium and Third Parties	Paragraph 4.1.
<b>G</b>	Statement by the Dutch Tax Administration, or an equivalent statement by the tax administration in the Candidate's country of establishment	Candidate (Lead Contractor), Participants in a Consortium and Third Parties	Paragraph 4.1.
<b>H</b>	Copy of certificate Quality Management System (ISO9001)	Candidate (lead contractor) and Participants in a Consortium	Section 4.3.3.
<b>I</b>	Statement in accordance with Appendix 5 regarding reliance on technical capacity of a Third Party, demonstrating that the Candidate (in the event of contract award) will have access to the resources of that Third Party necessary for the performance of the contract, and that the Third Party irrevocably commits to making those resources available for that purpose.	Each Third Party called upon (optional)	Section 4.3.4.

The Certificate of Conduct for Procurement, or an equivalent document issued by a competent authority in the Candidate's country of establishment, must not be older than 24 months at the time of submission.

In addition to Article 4.13.9 sub c of the Procurement Regulations for Works 2016, the statement from the Tax Administration refers to the Payment history report regarding performance of tax obligations (Verklaring betalingsgedrag nakoming fiscale verplichtingen). If an equivalent document from a Tax Administration from the Candidate's country of establishment is submitted, that statement must show performance of tax obligations. The Tax Administration statement should not be older than 6 months at the time of submission.

### **3.14 Partnership and/or reliance on Third Parties**

#### **3.14.1 A Request to Participate by Consortium**

A Request to Participate by a Consortium (Partnership) is allowed. The Contracting Authority does not impose any specific requirements regarding the legal form of the Consortium (after contract award).

With the Request to Participate, a copy of the Uniform Europees Aanbestedingsdocument (European Single Procurement Document (ESPD)) must be submitted for each Participant in a Consortium, fully completed and duly signed by that Participant in a Consortium (section 3.11). Each Participant in a Consortium must separately submit all data specific to itself (including the extract from professional or commercial register). All members of the Consortium are required to indicate in the UEA (ESPD) who will act as the Consortium's lead contractor. During the Selection Procedure, the lead contractor is the contact person for the Contracting Authority on behalf of the Consortium.

Each member of the Consortium shall be jointly and severally liable for the performance of the obligations of the Consortium arising from the Partnership Agreement (in case the Partnership Agreement has been awarded to the Consortium).

#### **3.14.2 Request to Participate with reliance on the capacities of Third parties and the use of subcontractors**

The Candidate may rely on the capacities of one or more subcontractors (Third Parties) to meet the requirements relating to economic and financial standing and/or technical capacity.

If the Candidate relies on a Third Party, they must indicate this in Part II.C of the UEA (ESPD), stating the name of the Third Party and the Suitability Requirement for which reliance on that Third Party is made. If the Candidate intends to subcontract part of the works to a subcontractor on whose capacities the Candidate does not rely, the Candidate must also indicate this, to the extent known at the time, in Part II.D of the UEA (ESPD) and provide the relevant details of such subcontractor(s).

If the Candidate relies on the financial capacity and/or technical ability of a Third Party for the works or part of the works, the resources of the Third Party in question must actually be used for the execution of the relevant part(s) of the works. At the time of submitting the Request to Participate, the Candidate must demonstrate that he will indeed have access to the experience and resources of such Third Party/Parties. To this end, the Candidate must provide, for each Third Party, an UEA (ESPD) duly completed by that Third Party (Parts II.A, II.B and III.A through III.C) and duly signed (Part VI). Additionally, upon request, the Candidate shall provide within 5 working days the documents listed in paragraph 3.12, items G through I, relating to such Third Party/Parties.

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### **3.14.3 Changes of Participants in a Consortium and/or Third Parties**

Change to the Participants of a Consortium after submitting the Request to Participate is not allowed. A Tender must therefore be submitted by the same composition of the Consortium as at the time of submitting the Request to Participate.

The replacement and/or dismissal of a Third Party on whom the Candidate relies for the performance of the works during the execution of the contract is only permitted with the prior written consent of the Contracting Authority.

### **3.15 Single involvement of (legal) entities in the Request to Participate**

Economic operators may participate in the Selection Procedure only once, in the capacity of Candidate, Consortium Member or Third Party. In the event of a violation, the economic operator may be excluded from further participation in the Selection Procedure. Multiple Requests to Participate and/or Tenders will result in the exclusion of all related Requests to Participate and/or Tenders.

### **3.16 Request to Participate by companies belonging to the same group**

The foregoing likewise applies to two or more companies belonging to the same group/corporate structure. Only one of those companies can participate in the Selection Procedure and thus be part of the maximum of four Candidates eligible for an invitation. This is unless those companies demonstrate within five days of a request from the Contracting Authority to that effect that they have submitted a Request to Participate independently, meaning fully autonomously and without any knowledge of each other's relevant market behaviour, and that they will submit a Tender in a similar independent fashion. Different companies within a group may, of course, participate jointly in the Selection Procedure as a Consortium or as a Third Party/subcontractor to one another.

If the companies belonging to the same group cannot demonstrate that they have submitted a Request to Participate independently and will tender independently, they must, within five days after a request to that effect by the Contracting Authority, indicate in writing which of them will participate in this Selection Procedure, whereby the other affiliated companies declare their withdrawal from the Selection Procedure. If a (timely and consistent) notification from all relevant companies is not received, the drawing of lots by the Contracting Authority will determine which company from the same group is eligible for an invitation to the Dialogue and Tender Phases, and which (remaining) companies will be excluded from further participation. To the extent that such an undertaking (which is not eligible for an invitation to the Dialogue and Tender Phases) is a Third Party relied upon by a Candidate that does not belong to the same group, that Candidate will be granted the opportunity to replace that Third Party within five days after a request to that effect by the Contracting Authority.

For the purposes of this provision, the following shall in any case be regarded as affiliated companies within the same group:

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- legal entities affiliated with each other in the manner referred to in Article 2:24a of the Dutch Civil Code; or
- legal entities forming a group as referred to in Article 2:24b of the Dutch Civil Code; or
- legal entities affiliated with each other in a manner comparable to sub-a or sub-b under foreign law.

### 3.17 Unconditional Request to Participate

The Candidate submits an unconditional Request to Participate. The Candidate's general terms and conditions are expressly rejected and will not be accepted by the Contracting Authority. If the Candidate's Request to Participate is conditional or if general terms and conditions have been declared applicable, the Contracting Authority may declare the relevant Request to Participate invalid and exclude the Candidate from further participation in the Selection Procedure. In assessing whether to proceed with exclusion, the Contracting Authority will apply the applicable case law regarding the rectification of Requests to Participate.

### 3.18 Order of precedence of documents

In the event of inconsistencies between the publication of this Selection Procedure, the Selection Guideline and the Clarification Document, the following order of precedence applies, whereby the document mentioned first prevails over those listed below it:

- Clarification Document(s)
- This Selection Guideline, including Appendices;
- The Candidate's Request to Participate.

If multiple Clarification Documents have been issued, the provisions of the most recent Clarification Documents shall prevail in the event of inconsistencies between the Clarification Documents.

### 3.19 Procedure following receipt of the Requests to Participate

After the deadline for submitting a Request to Participate has passed and the Requests to Participate have been received, the digital vault TenderNed will be opened. To arrive at the Selection Decision, the following steps will subsequently be carried out (see chapter 5):

1. Opening of the Requests to Participate.
2. Verification of the Request to Participate with regard to formal requirements, completeness and legal validity.
3. Verification of Exclusion Grounds and Suitability Criteria.
4. If more than four Requests to Participate remain that are not already excluded based on steps 2 or 3, an additional selection will take place based on the Selection Criterion.
5. If, as a result of this selection, an equal score occurs for ranking position four, the ranking procedure described in paragraph 5.5 will be applied.
6. Notification of the Selection Decision.

## 4 Grounds for Exclusion, Suitability Requirements and Selection Criteria

The Contracting Authority will assess the Candidates submitting Requests to Participate on the basis of Grounds for Exclusion, Suitability Requirements and Selection Criteria described in this chapter. The Candidate must meet the requirements set out in this chapter.

If at any time it appears that a Candidate has provided incorrect information or, in the Contracting Authority's opinion, acts contrary to the laws and regulations or rules and requirements set out in the Selection Documents, that Candidate may be excluded from further participation in the Selection Procedure.

### 4.1 Grounds for Exclusion

The Contracting Authority wishes to do business only with companies whose integrity is established. By signing the UEA (ESPD), the Candidate or Participant in a Consortium declares that the Grounds for Exclusion referred to in Articles 4.13.1 to 4.13.4 and 4.13.7 Procurement Regulations for Works 2016 do not apply to it. This Selection Procedure is subject to the optional Grounds for Exclusion referred to in Article 3.13.7 Procurement Regulations for Works 2016, which have been ticked by the Contracting Authority in the UEA (ESPD) (Appendix 1).

A Candidate or a Participant in a Consortium to which one of the Grounds for Exclusion referred to in Articles 4.13.1 to 4.13.4 and 4.13.7 Procurement Regulations for Works 2016 applies will be excluded from further participation in the Selection Procedure. In the case of a Consortium, exclusion of a Participant in a Consortium results in the exclusion of the Consortium.

A Third Party to which one of the Grounds for Exclusion referred to in Article 4.13.1 to 4.13.4 and Article 4.13.7 Procurement Regulations for Works 2016 applies will not be accepted by the Contracting Authority and in that case, the provisions of Article 4.13.13 Procurement Regulations for Works 2016 will be applied, provided that the substitution does not violate the principle of equality.

The Contracting Authority reserves the right not to proceed to exclusion in the cases referred to in Articles 4.13.11 and 4.13.12 Procurement Regulations for Works 2016.

If a Candidate believes that although a Ground for Exclusion applies, this should not result in the Candidate's Request to Participate being rejected, the Candidate must indicate that the Ground for Exclusion applies and provide the relevant reasons in the UEA (ESPD) immediately upon Request to Participate. The Contracting Authority will then assess whether to proceed with exclusion based on this information.

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#### **4.1.1 Evidence Grounds for Exclusion**

In the first instance, the Candidate or Participant in a Consortium may suffice with submitting the UEA (ESPD) as evidence that the Grounds for Exclusion do not apply to it. By submitting a completed and duly signed UEA (ESPD), the Candidate, respectively the Participant in a Consortium, declares that the Grounds for Exclusion do not apply. The Candidate must complete, duly sign and submit the document as set out in Appendix 1 as part of the Request to Participate (see paragraph 3.12).

If participation takes place as a Cooperative or Consortium, a completed and duly signed UEA (ESPD) for each Participant in a Consortium must be submitted with the Request to Participate. A completed (in Parts II.A, II.B and III.A through III.C) and duly signed (in Part IV) UEA (ESPD) for each Third Party must likewise be submitted with the Request to Participate.

At the Contracting Authority's request, the Candidate must submit the supporting evidence. As supporting evidence, the Contracting Authority requires the documents referred to in Articles 4.13.6 and 4.13.9 of the Procurement Regulations for Works 2016. The supporting evidence must be provided within five business days after receiving a request to that effect from the Contracting Authority via TenderNed.

The Candidate is reminded that obtaining certain supporting documents may take several weeks. The Candidate is therefore advised to request the required evidence at the earliest possible stage, so that it can be provided in time following any request from the Contracting Authority. If the Candidate, after having been requested to do so by the Contracting Authority, fails to submit the supporting evidence in time, that Candidate will be excluded from further participation in the Selection Procedure, unless the Contracting Authority considers such exclusion to be disproportionate.

The foregoing regarding the submission of supporting evidence likewise applies to the supporting evidence of Participants in a Consortium, which must be submitted by the Candidate within five business days of a request to that effect by the Contracting Authority.

## **4.2 Policy Rule on Integrity and Agreements, sanctions package Russia and Code of Conduct Vattenfall**

### **Policy rule on Integrity and Agreements**

The Municipality of Amsterdam handles the public resources at its disposal with care. The Municipality therefore wants to do business only with parties of integrity and avoid facilitating parties that do not act in good faith. Before entering into or renewing an agreement, the Municipality therefore screens its potential contractors. The screening follows from Policy rule on Integrity and Agreements (in Dutch: Beleidsregel Integriteit en Overeenkomsten, or in short: BIO). For more information on this BIO and the integrity clause, see:

<https://www.amsterdam.nl/bestuur-organisatie/volg-beleid/veiligheid/integer-handelen/beleidsstukken-bio/>

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The BIO applies to this Selection Procedure and the agreement(s) resulting from it. By submitting a Request to Participate, the Candidate declares to have taken note of the BIO, to agree to the BIO and to agree to an integrity screening. The Candidate also thereby agrees to the integrity clause as part of the agreement. Under that integrity clause, an integrity screening may be carried out during the term of the Partnership Agreement if the Municipality sees fit. The Candidate also agrees and cooperates with the screening of subcontractors where reliance is placed on their capacities.

The first phase of screening (a basic test) is carried out using, among others, the supporting documents for the Uniform Europees Aanbestedingsdocument (UEA/ESPD) and publicly available sources. Additional documents may be requested from the Candidate relating to, inter alia, ownership and control structures, annual accounts, and other documents that may clarify the participating or tendering organisation (and, where applicable, its subcontractors). These documents must be provided as soon as possible upon request, so that the screening can be completed swiftly. Failure to provide the additional information requested as part of screening under the BIO may result in exclusion.

Should there be reason to conduct further investigations, they will be conducted by the specialised Screening Unit of the Municipality's Integrity Office. As part of the investigation, it is possible under specific circumstances that non-public sources may be consulted, or a probity screening (Bibob-advies) recommendation may be requested from the Dutch National Public Administration Probity Screening Agency (landelijk Bureau Bibob). Should this be the case, the Candidate will be informed in advance. The outcome of the screening or the probity screening recommendation may result in a Candidate being excluded based on the compulsory and/or optional Grounds for Exclusion or may lead to additional monitoring measures being included in the agreement.

### **Russia sanctions package**

In the fifth EU sanctions package on Friday 8 April 2022, the Member States agreed that contracting authorities and special sector companies are prohibited from awarding new contracts to Russian entities established in the Russian Federation, including subsidiaries established in the European Union controlled or directed by such entities. As a result, the Municipality will exclude an economic operator from further participation in the Selection Procedure if:

- a. The company is operated for the account of a Russian national or a natural person, legal entity, organisation or body based in Russia,
- b. The company is more than 50% directly or indirectly owned by an entity referred to in point (a),
- c. The company acts under the instructions or direction of an entity referred to in point (a);
- d. The company makes use of a subcontractor, supplier or other entity whose performance represents more than 10% of the present contract, and for which one of the above points (a) to (c) must also be answered in the affirmative.

By submitting a Request to Participate, the Candidate declares that none of points (a) to (d) apply to its company. To this end, the Candidate must fully complete Appendix 4 - Russia Declaration and submit it with the Request to Participate (see paragraph 3.12).

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Should a screening by the Municipality indicate that these provisions do apply to the Operator after the conclusion of the Partnership Agreement, the Municipality is entitled to terminate the Partnership Agreement with immediate effect.

### Code of Conduct Vattenfall

In addition to the Municipality of Amsterdam's Policy rule on Integrity and Agreements (BIO), the Vattenfall Code of Conduct also applies to the partnership under the Partnership Agreement. The Code of Conduct is attached to the Partnership Agreement as an appendix.

By submitting a Request to Participate, the Candidate declares to have taken note of, agrees to, and will comply with the Vattenfall Code of Conduct. The Candidate thereby also agrees to the integrity clause as part of the agreement.

## 4.3 Suitability Requirements

The Candidate must demonstrate that it meets the Suitability Requirements set out in paragraph 4.3.1 through 4.3.4.

### 4.3.1 Professional suitability

To be eligible for an invitation to participate in the Dialogue and Tender Phases, the Candidate must meet the following Suitability Requirement.

Suitability Requirement		Evidence
<b>G1</b>	The Candidate or Participant in a Consortium must be registered in the professional or commercial register (in the Netherlands: the commercial register of the Chamber of Commerce - het handelsregister van de Kamer van Koophandel) in accordance with the legislation of the Candidate's country of establishment	Extract(s) from the commercial register as required to be filed under paragraph 3.11.

### 4.3.2 Financial and economic standing

The capital investment to be made for realising the geothermal sources should be 40-80% financed by Operator. In that context, the Contracting Authority imposes requirements on financial and economic standing. The total initial source investment to deliver 30MWth is currently estimated to be between EUR 50,000,000 (fifty million euros) and EUR 75,000,000 (seventy-five million euros), depending on the number of geothermal doublets (2 or 3 doublets) realised for this purpose. This investment is expected to be made in Q4 2029 for the purpose of realising the first geothermal source. In addition, there will be operational costs and reinvestment in the system during the operation phase. With regard to financial and economic standing, the following Suitability Requirement is imposed.



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Suitability Requirement		Evidence
<b>G2</b>	The Candidate should be able to raise a minimum amount of EUR 40,000,000, - (forty million euros) (with or without debt capital) for the purpose of capital investment for the realisation of the geothermal sources. This amount currently corresponds, according to the present estimation, to an 80% share in the Project Company (being the maximum possible share of the Operator in the Project Company) for the realisation of 2 geothermal doublets, and thus reflects the substantial investment required from the Candidate, takes into account the principles of proportionality, and ensures that this Selection Procedure remains accessible to as many market parties as possible.	By submitting a Request to Participate, the Candidate declares that it meets this Suitability Requirement. The declaration included in Part IV of the Uniform Europees Aanbestedingsdocument (UEA/ESPD) serves as evidence. The substantiation of this Suitability Requirement will be requested from the Tenderer during the Tender Phase as part of quality criterion K4. Should it become apparent at that stage that the Tenderer does not meet the stated Suitability Requirement, the Tenderer may be excluded from further participation in the Selection Procedure.

#### 4.3.3 Technical ability - quality assurance

The Candidate must meet the following Suitability Requirement regarding technical ability (quality assurance) and, upon a corresponding request from the Contracting Authority (in accordance with paragraph 3.11), must provide the required evidence.

Suitability Requirement		Evidence
<b>G3</b>	The Candidate (or Participant in a Consortium or Third Party) must hold a valid quality system certificate based on the standard ISO 9001:2015 "Quality Management Systems" or an equivalent quality management system with a scope related to the nature of the work.	A copy of the certificate issued by a certification body accredited for this purpose by a national accreditation body (in the Netherlands: Raad voor Accreditatie).

In the event of a Request to Participate as a Partnership or Consortium, all Participants in a Consortium of the Consortium will individually hold the quality system certificate ISO-9001 referred to above or a certificate for an equivalent quality management system. In case separate certificates are submitted, these certificates must collectively correspond to the nature of the work.

#### 4.3.4 Technical ability - core competencies

To be eligible for the partnership, the Candidate must demonstrably possess sufficient expertise and experience with respect to the activities concerned. The Contracting Authority has therefore established the core competencies set out in this paragraph. On the basis of these core competencies, the Contracting Authority assesses whether the Candidate possesses the required technical ability. The Candidate demonstrates its technical ability by means of reference projects (from the Candidate and/or a Participant in a Consortium and/or a Third Party whose capacities the Candidate relies upon).

For each reference project, the Candidate (or Consortium Member or Third Party) may only rely on experience gained in a partnership if the company itself actually performed the activities on which the technical ability is based.

The Contracting Authority reserves the right to verify the accuracy and reliability of the references provided. The Candidate is obliged to cooperate with such verification.

##### 4.3.4.1 Suitability Requirement G4 - Core competence A

###### Core competence

The Candidate (or Participant in a Consortium or Third Party) has obtained at least one mining permit, or similar foreign permission, for the development and/or realisation of a geothermal project in the past ten (10) years.

*"Permit" means a formal authorisation from a competent authority to carry out geothermal drilling, including exploration and/or extraction.*

###### Evidence

Possession of the core competence should be demonstrated through one reference project showing that the Candidate has obtained the requirement. For each project reference, a reference form in accordance with the Model Reference Works Form as included in Appendix 3 should be submitted. It is permissible to submit the same reference work for demonstrating multiple core competencies and/or Selection Criteria. On the model form, the Candidate must indicate which core competencies and/or Selection Criteria the reference work relates to.

##### 4.3.4.2 Suitability Requirement G5 - Core competence B

###### Core competence

The Candidate (or a Participant in a Consortium or a Third Party) has carried out at least one geothermal drilling operation in the past ten (10) years where the target reservoir has been reached and confirmed, at a depth of at least 1,500 metres.

*'Confirmed' means reaching the target reservoir at the planned depth, with confirmation via logging, Exhibit or injection testing.*

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*"Geothermal drilling" means a drilling carried out for the purpose of extracting geothermal heat, in accordance with applicable mining legislation.*

### **Evidence**

Possession of the core competence should be demonstrated through one reference project showing that the Candidate has performed the required work in a professional and regular manner and delivered/completed it on time. For each project reference, a reference form in accordance with the Model Reference Works Form as included in Appendix 3 should be submitted. It is permissible to submit the same reference work for demonstrating multiple core competencies and/or Selection Criteria. On the model form, the Candidate must indicate which core competences and/or Selection Criteria the reference work relates to.

#### **4.3.4.3 Suitability Requirement G6 - Core competence C**

### **Core competence**

The Candidate (or Participant in a Consortium or Third Party) possesses demonstrable relevant experience and technical expertise in the field of exploration and/or production activities in the oil and gas and/or geothermal industry. This includes:

- Reservoir characterisation: interpretation and modelling of underground structures and properties.
- Well design: delivering the functional and technical specifications.
- Drilling planning: preparation and coordination of drilling activities, including logistics, permits and risk management.
- Operational execution of mining activities: actual execution of drilling and production activities, such as managing drilling teams, monitoring production processes, and complying with safety and environmental standards under the Dutch Mining Act or comparable international laws and regulations.

The required knowledge and experience must be demonstrably available within the Candidate's own organisation, i.e. in-house, and must be deployable for the partnership if the Candidate is selected as Operator. This means the individuals through whom the required knowledge and experience are demonstrated:

- Are employed by the Candidate or structurally affiliated to the project team through a long-term partnership agreement (for example with a permanent subcontractor or partner organisation),
- Have at least 5 years' experience in the relevant field of work for projects within the oil and gas and/or geothermal industry, and
- Are available to be deployed within the project team.

Experience that is only available externally (e.g. through temporary hires without structural connection) cannot be considered as 'in-house' available.

### **Evidence**

Possession of the core competency must be demonstrated by means of one project reference or by means of CVs demonstrating that the required knowledge and expertise are available in-house

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within the organisation of the Candidate or Consortium Member, or available at Third Parties with whom the Candidate has a long-term partnership agreement (e.g., with a permanent subcontractor or partner organisation).

If the core competence is demonstrated by means of one reference work, the Candidate must submit a reference form in accordance with the Model Reference Work Form included in Appendix 3. It is permissible to submit the same reference work for demonstrating multiple core competencies and/or Selection Criteria. On the model form, the Candidate must indicate which core competencies and/or Selection Criteria the reference work relates to.

#### 4.4 Selection criteria

In addition to the Grounds for Exclusion and Suitability Requirements, the Contracting Authority uses Selection Criteria for this Selection Procedure if there are more than 4 Candidates to whom no Grounds for Exclusion apply and who meet the Suitability Requirements. The Selection Criteria will establish a further ranking between the Candidates. The Selection Criteria see to the selection of parties with knowledge and experience in geothermal projects that are most comparable to the present project in terms of size, subsoil and above-ground environment.

The Selection Criteria are set out below.

##### Selection Criterion 1: Project size (S1)

The extent to which the Candidate has experience in the development and/or realisation of geothermal projects with a certain thermal capacity (expressed in MWth). This sub-criterion must be demonstrated by no more than two different project references. The reference project in question must have been carried out within the past ten (10) years. If multiple project references are submitted, the assessment will be based on the thermal capacity of each individual project (thermal capacities will not be added together), and the highest-scoring reference project will receive a score. If both reference projects demonstrate that 30 MWth or more has been realised, a score of '5' will be awarded.

*'Realised' means the project is operational and commercially delivering heat to the heat network and end-users.*

*'Under development' means that the project is in the design, engineering, or execution phase, with demonstrable progress towards realisation.*

Score	Description
0	No relevant experience is demonstrated (with the project less than 30 MWth under development and 0 MWth realised).
1	With the project, 30 MWth or more is under development.
2	The project has achieved between more than 0 MWth and up to 15 MWth.
3	The project achieved at least 15 MWth and less than 30 MWth.
4	The project has achieved 30 MWth or more.
5	Several projects have been put forward and 30 MWth or more has been realised with each project.

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Example:

- Candidate A submits 2 project references that demonstrate the following experience:
  - Reference 1: the project involves the development of 30 MWth or more.
  - Reference 2: the project has realised at least 15 MWth and less than 30 MWth.
- Candidate B submits 2 project references that demonstrate the following experience:
  - Reference 1: the project has realised 30 MWth or more.
  - Reference 2: the project has realised 30 MWth or more.

In the above case, Candidate A receives a score of 3 for Selection Criterion 1 (Reference 2 is the highest-scoring), and Candidate B receives a score of 5 (as both projects have realised 30 MWth or more). The evaluation of the Selection Criteria will be further determined in accordance with paragraph 5.4.

**Selection Criterion 2: Geological setting (S2)**

The extent to which the Candidate has experience in geothermal projects with drilling to a certain depth, in formations with similar geological characteristics to the Slochteren reservoir in the Rotliegend Formation. The Candidate may provide a maximum of one (1) project reference for this sub-criterion. The relevant reference project must have been completed within the past ten (10) years (i.e. the execution activities have been completed).

*By "similar geological features" we mean: sandstone lithology, horst and graben structures, intra-reservoir fracturing and presence of formation gas.*

Score	Description
0	No relevant experience demonstrated (drilling to reservoir layer equals 1500 m without similar geological features).
1	Drilling to reservoir layer > 1500 m and < 2000 m without similar geological features.
2	Drilling to reservoir layer > 1500 m and < 2000 m with at least 2 similar geological features.
3	Drilling to reservoir layer ≥ 2000 m comparable formation (based on 2 geological features)
4	Drilling to reservoir layer ≥ 2000 m with similar formation (sandstone lithology + 2 other geological features)
5	Drilling to reservoir layer ≥ 2000 m in a similar formation with all the above geological features (such as the Rotliegend Formation).

**Selection Criterion 3: Above-ground environment (S3)**

The extent to which the Candidate has experience with geothermal projects in a high-density urban environment or built environment, with stakeholder complexity and with the integration into an existing collective high-temperature heat network. The Candidate may provide a maximum of one (1) project reference for this sub-criterion. The relevant reference project must have been completed within the past ten (10) years (i.e. the execution activities have been completed).

*By "High-density urban environment" we mean: An area with a building density of ≥ 5,000 inhabitants per km<sup>2</sup>.*

*By "with stakeholder complexity" we mean: the presence of at least three different stakeholder groups within a 1 km radius of the planned geothermal plant.*

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*"Integration on existing heat network" means: the connection of a geothermal source to an already operational collective high temperature (> 75°C supply temperature) heat network, where technical, organisational and contractual integration with existing infrastructure and Operators is under development or has been realised.*

*By a "collective heat network" we mean: an infrastructure for distributing heat from a central source to multiple building owners (such as homes, businesses or institutions), through a closed network of pipes. The system operates at district, city or regional level and includes not only piping, but also control technology, storage and possibly co-firing facilities.*

Score	Description
0	No relevant experience demonstrated (project in a non-built environment, without stakeholder complexity and without incorporation on existing heat network).
1	Project in a low-density urban environment, with no stakeholder complexity and no incorporation into existing heat network.
2	Project in a low-density urban environment, with stakeholder complexity and without incorporation into existing heat network.
3	Project in high-density urban environment, with stakeholder complexity, without incorporation into existing heat network.
4	Project in high-density urban environment, with stakeholder complexity, with incorporation on existing heat network.
5	Project in high-density urban environment with very limited implementation space (i.e. less than the area of a standard football pitch, approx. 7,000 m <sup>2</sup> ) and large stakeholder complexity (at least 6 stakeholder groups), with incorporation on existing heat network.

### Evidence Selection Criteria

Candidates should submit project references for each of the Selection Criteria to substantiate the required experience. Candidates are allowed to submit a maximum of two (2) reference forms for Selection Criterion S1. For Selection Criteria S2 and S3, Candidate may submit a maximum of one (1) reference form.

For each project reference, a reference form in accordance with the Model Reference Works Form as included in Appendix 3 should be submitted. It is permissible to submit the same reference work for demonstrating multiple core competencies and/or Selection Criteria. In the model form, the Candidate must indicate which core competencies and/or Selection Criteria the reference work relates to.

The Contracting Authority reserves the right to verify the accuracy and reliability of the references provided. The Candidate is obliged to cooperate with such verification.

## 5 Review of Requests to Participate

The assessment procedure will start after the deadline for submission of a Request to Participate as stated in the Selection Guideline. The assessment procedure takes place in the manner described in the following sections.

### 5.1 Verification of formal requirements, completeness and validity

Upon receipt of the Requests to Participate, the Contracting Authority shall verify whether all formal requirements have been met and whether the submitted Request to Participate is complete and has been duly signed. The Contracting Authority reserves the right to request clarifications regarding the Request to Participate and/or to request missing information/documents in cases where this is possible without distorting the economic balance between Candidates. Candidates must respond to such questions within two business days. Failure to meet this requirement may result in the Request to Participate being set aside.

### 5.2 Verification on Grounds for Exclusion and Suitability Requirements

If the Requests to Participate meet all formal requirements, are complete and have been duly signed, the Contracting Authority shall verify whether any Grounds for Exclusion apply to the Candidate (or to Participants in a Consortium and/or any Third Parties) and whether the Candidate complies to all Suitability Requirements set out in the Selection Guideline.

If the Request to Participate or the Candidate does not comply with the Suitability Requirements and/or if any Grounds for Exclusion apply, this may constitute an invalid Request to Participate. This assessment is at the discretion of the Contracting Authority. A Candidate who has submitted an invalid Request to Participate shall be excluded from further participation in this Selection Procedure.

### 5.3 Review Selection Criteria

A maximum of four (4) Candidates will be selected to participate in the Dialogue and Tender Phase.

If the steps described in paragraphs 5.1 and 5.2 result in four or fewer Candidates who have submitted a valid Request to Participate, all such Candidates will be selected to participate in the Dialogue and Tender Phase.

If the steps described above result in more than four (4) Candidates eligible for the Dialogue and Tender Phase, the Contracting Authority shall reduce the number of Candidates to four (4) through an assessment based on the Selection Criteria, as described in paragraph 4.4.

The selection will be made on the basis of a ranking determined by the scores awarded for the Selection Criteria.

## 5.4 Rating Selection Criteria

Each Candidate will be assessed against the reference projects submitted for the three (3) Selection Criteria. A score of 0 to 5 points may be awarded per Selection Criterion. The score per Selection Criterion is determined on the basis of the experience demonstrated in the project references, in accordance with the scoring table for each Selection Criterion.

The overall score is determined by adding the scores awarded for each Selection Criterion. The maximum total score is 15 points. Based on the total scores, a ranking between the Candidates will be determined.

### Sample calculation

- Candidate A will submit project references demonstrating the following experience on the Selection Criteria:
  - S1:
    - Reference 1: The project has realised at least 15 MWth and less than 30 MWth;
    - Reference 2: The project has 30 MWth or more under development.
  - S2: Drilling to reservoir layer < 1500 m with at least 2 similar geological features; and
  - S3: Project in high-density urban environment, with stakeholder complexity, with incorporation on existing heat network.
- Candidate B will submit project references demonstrating the following experience on the Selection Criteria:
  - S1:
    - Reference 1: The project has realised 30 MWth or more;
    - Reference 2: The project has realised at least 15 MWth and less than 30 MWth;
  - S2: Drilling to reservoir layer < 1500 m, without similar geological features; and
  - S3: Project in a non-high-urban environment, with stakeholder complexity and without incorporation into existing heat network.

In this case, the rating on the Selection Criteria and the ranking is as follows:

Selected Candidate:	Score S1	Score S2	Score S3	Total Score	Ranking
<b>A</b>	3	2	4	<b>9</b>	<b>1</b>
<b>B</b>	4	1	2	<b>7</b>	<b>2</b>



## 5.5 Selecting Candidates

Based on the number of points awarded for the Selection Criteria, the Candidates will be ranked. The (maximum) four (4) Candidates with the highest number of points after awarding the scores will be invited to the Dialogue and Tender Phase.

If, due to equal total scores, no ranking of four Candidates can be determined for the Dialogue and Tender Phase, the Candidate with the highest score on Selection Criterion 3 (above-ground environment) shall qualify for selection. If total scores and the scores on Selection Criterion 3 are equal, the Candidate with the highest score on Selection Criterion 1 (project size) shall qualify. If total scores, scores on Selection Criterion 3, and scores on Selection Criterion 1 are equal, the Candidate with the highest score on Selection Criterion 2 (geological setting) shall qualify.

If the total score as well as the score on Selection Criterion 3, as well as the score on Selection Criterion 1, as well as the score on Selection Criterion 2 are identical, a lottery shall determine which Candidate(s) with equal scores qualify for one of the first four positions. For example, if Candidates ranked 4 and 5 have identical scores on all points, a lottery will determine which of these two Candidates, in addition to Candidates ranked 1, 2, and 3, will be invited.

In the event that one or more Selected Candidates withdraw during the Dialogue or Tender Phase, the Contracting Authority may decide to invite one or more Candidates who were initially not selected for the Dialogue and Tender Phase after all. In such cases, the Contracting Authority shall apply the ranking established on the basis of the final scores.

## 6 Additional provisions Selection Procedure

### 6.1 Applicable law

This Selection Procedure, the agreements and/or any disputes arising from it will be governed by Dutch law.

### 6.2 Reservation of rights

The Contracting Authority reserves the right not to proceed with the pre-selection or award, and to discontinue, withdraw, suspend or terminate the Selection Procedure.

With the exception of the situation in which a Tender has been made or in which the Selection Procedure is not withdrawn until after the Clarification Document has been provided in the Dialogue Phase (in which case Tenderers shall only be eligible for (part of) the tender fee as referred to in paragraph 6.7), Tenderers shall in no way be entitled to compensation for costs incurred or to be incurred, nor to any form of damages whatsoever.

### 6.3 Selection and legal protection

Any request for interim relief arising from disagreement with the content of the contract notice and the Selection Guideline, the answers provided in the Clarification Document(s) during the Request to Participate Phase or the Contracting Authority's response to the Candidate's complaints, must be filed with the preliminary relief judge (voorzieningenrechter) in Amsterdam within the period for submitting the Request to Participate. If such a request is filed during the Request to Participate Phase, the issuance of the selection decision will be suspended until the preliminary relief judge has rendered judgment.

After all Requests to Participate have been assessed and the Selected Candidates have been determined, the selection decision will be issued. The selection decision will be published via TenderNed. The dispatch date in TenderNed shall constitute the date of the selection decision.

Objections to the selection decision may be filed within 7 calendar days from the date of dispatch by submitting a request for interim relief to the competent preliminary relief judge in Amsterdam. This period is a strict deadline. This means that if a Candidate does not file an actual request for interim relief within 7 calendar days after dispatch of the selection decision, the Candidate can no longer challenge that decision before the preliminary relief judge; the right to do so has lapsed. In such case, the Contracting Authority is free to continue the Selection Procedure.

### 6.4 Continued compliance

The Candidate, each Participant in a Consortium and Third Parties whose capacities are relied upon must continue to comply with the submitted declarations throughout the entire Selection Procedure. If - during the Selection Procedure - a Grounds for Exclusion becomes applicable to a

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Candidate, Participant in a Consortium, or Third Party whose capacities are relied upon, the Candidate must notify the Contracting Authority of this fact without delay and in writing.

## 6.5 Compensation for Request to Participate and Tender costs

The Contracting Authority shall in no event reimburse any costs incurred by Candidates in connection with the Request to Participate Phase.

The Contracting Authority will pay a compensation of EUR 25,000, excluding VAT, to the Selected Candidates who submitted a valid Tender but are not awarded the contract.

The compensation will likely cover only part of the actual costs associated with submitting a Tender. Any costs exceeding the compensation shall not be reimbursed.

## 6.6 Confidentiality

By participating in the Selection Procedure, Candidates and Tenderers undertake to keep confidential all information received from the Contracting Authority – to the extent that such information cannot be found in the public domain.

The confidential information provided may only be used for the purpose for which it is intended. However, Candidates may provide such information to Participants in a Consortium, Third Parties and other subcontractors involved in the Selection Procedure, subject to imposition of this confidentiality clause.

In the event of a breach of the duty of confidentiality by the Candidate (or by Participants in a Consortium, Third Parties and other subcontractors), the Contracting Authority may immediately exclude the Candidate from further participation in the Selection Procedure. The Contracting Authority applies the following criteria when reviewing whether to exclude a Candidate: the seriousness of the breach, the extent to which the interests of the Contracting Authority or other companies have been violated and the nature and extent of the information not kept confidential.

The Contracting Authority will treat all information provided by Candidates or Tenderers as confidential and will not disclose such information to third parties without prior written consent of the relevant Candidate/Tenderer. Exceptions apply to information that the Contracting Authority is legally required to disclose pursuant to:

- a statutory obligation, including requests under the Dutch Open Government Act (Woo);
- a court order or a request from a competent supervisory authority;
- other mandatory regulations.

Where reasonably possible, the Contracting Authority will inform the Candidate or Tenderer in advance if such disclosure is required.

## 6.7 Complaints and disputes about the Selection Procedure

Complaints about this Selection Procedure can be submitted to the e-mail address:  
[klachten.IB@amsterdam.nl](mailto:klachten.IB@amsterdam.nl).

Complaints may relate to non-compliance with legal provisions or a violation of general tendering principles. A complaint must be submitted in writing and must clearly indicate the aspect of the Selection Procedure the complaint relates to, also stating reasons.

This complaints procedure has no suspensive effect. A complaint will be handled by competent officers who neither are nor will be involved in the present Selection Procedure. A complaint will be dealt with as soon as possible; the complainant will be informed accordingly.

## 6.8 Prior knowledge and conflict of interest

The Contracting Authority may exclude a Candidate from (further) participation in the Selection Procedure if that Candidate is, or has been, involved on the part of the Contracting Authority in the preparation of the Selection Procedure, or if that Candidate makes use, in connection with the Selection Procedure, of companies, advisors, employees and other (legal) persons who are or have been so involved. The same applies if (legal) persons belonging to the Candidate's corporate group have or had such involvement.

The Contracting Authority will not exclude a Candidate if that Candidate can demonstrate that, in the circumstances of the specific case, such involvement does not, and will not, impede competition.

## 6.9 Dutch Competition Act

The Contracting Authority reminds Candidates—perhaps unnecessarily—that it is prohibited to enter into agreements that have as their object or effect the prevention, restriction, or distortion of competition on the Dutch market or a part thereof.

The Contracting Authority reserves the right to report to the Dutch Authority for Consumers and Markets (ACM) any Candidates whom it suspects of having entered into a consortium or cooperation agreement in violation of the Dutch Competition Act and/or other competition regulations for the purpose of carrying out the works, and/or to exclude such Candidates from further participation in the Selection Procedure.

## 6.10 Information on provisions regarding taxation, environmental protection, labour protection and employment conditions

Information regarding obligations related to provisions on taxation, environmental protection, labour protection and employment conditions, as referred to in Article 4.7.4 of the Procurement Regulations for Works 2016, can be obtained from the following web pages:

- Taxation: [www.rijksoverheid.nl/onderwerpen/themas/belastingen-uitkeringen-en-toeslagen](http://www.rijksoverheid.nl/onderwerpen/themas/belastingen-uitkeringen-en-toeslagen)
- Environmental protection: [www.rijksoverheid.nl/onderwerpen/themas/klimaat-milieu-en-natuur](http://www.rijksoverheid.nl/onderwerpen/themas/klimaat-milieu-en-natuur)

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- Labour protection and employment conditions:  
[www.rijksoverheid.nl/onderwerpen/themas/werk](https://www.rijksoverheid.nl/onderwerpen/themas/werk)

# Appendices

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# Appendix 1 - Definitions and overview Selection Procedure

## Definitions

Term	Definition
<b>Contracting Authority</b>	Vattenfall Power Generation Netherlands, Energie Beheer Nederland (EBN) and the Municipality of Amsterdam are jointly referred to as the Contracting Authority. The Municipality of Amsterdam acts as the lead agency in the Selection procedure and is the point of contact towards the Candidates.
<b>Tendering platform</b>	The online platform where the Contracting Authority publishes its tenders and communicates about the content, i.e. TenderNed
<b>Request to Participate</b>	A request submitted by a Candidate containing the request to participate in the Selection Procedure.
<b>Request to Participate Phase</b>	The phase in which Candidates have the opportunity to submit a Request to Participate based on the provisions of this Selection Guideline and in which up to four (4) Candidates are selected and invited to participate in the Dialogue and Tender Phase.
<b>Shareholders' Agreement</b>	Shareholders' Agreement as referred to in de Partnership Agreement
<b>Procurement Regulations for Works 2016</b>	Procurement Regulations for Works 2016 (in Dutch: Aanbestedingsreglement Werken 2016. (ARW 2016))
<b>Policy Rule on Integrity and Agreements</b>	Policy Rule on Integrity and Agreements (in Dutch: Beleidsregel Integriteit en Overeenkomsten (BIO))
<b>Participant in a Consortium</b>	A natural and/or legal entity that is part of a Consortium.
<b>Consortium</b>	Several natural and/or legal entities jointly requesting to participate as Candidates and jointly submitting a Tender.
<b>Third Party</b>	A natural person or legal entity on whose capacities a Candidate relies in order to meet the Suitability Requirements and/or the Selection Criteria.
<b>Dialogue phase</b>	The phase of the Selection Procedure in which the Contracting Authority holds dialogue meetings with Tenderers.
<b>Dialogue and Tender Guideline</b>	The document including appendices in which the Contracting Authority has included all information relevant to the submission of a Tender

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Term	Definition
<b>Service Agreement</b>	The Service Agreement as referred to in de Partnership Agreement
<b>FID</b>	This term has the meaning attributed to it in the Partnership Agreement.
<b>Certificate of Conduct for Procurement</b>	A declaration as referred to in Article 4.1 of the Dutch Public Procurement Act, demonstrating that no objections exist against the natural person or legal entity concerned in relation to tendering for public contracts, etc.
<b>Candidate</b>	The company or Consortium submitting a Request to Participate based on the Selection Guideline.
<b>Suitability Requirements</b>	Requirements relating to the technical and professional ability and/or professional qualification that a Candidate must meet in order to be eligible for an invitation to the Dialogue and Tender Phase.
<b>Selected Candidate</b>	The Candidate who, on the basis of the outcome of the Request to Participate Phase of this Selection Procedure, has been invited by the Contracting Authority to the Dialogue and Tender Phase.
<b>Contract Award criteria</b>	The criteria on the basis of which the Tender is assessed and the economically most advantageous tender (EMAT) is determined.
<b>Tenderer</b>	A company or a Consortium that has been invited to the Dialogue and Tender Phase.
<b>Tender</b>	The written proposal/offer submitted by a Tenderer, based on the Dialogue and Tender Guideline, within the context of the Selection Procedure.
<b>Tendering Phase</b>	The phase of the Selection Procedure in which Tenderers prepare and submit a Tender, and in which the economically most advantageous Tender is determined on the basis of the Award Criteria.
<b>Clarification Document</b>	The document (including any annexes) that provides additional information on the Selection Procedure, the Selection Documents and/or the activities, and in which the Contracting Authority answers the questions submitted by Candidates.
<b>Research &amp; Development Phase</b>	The joint designation of the phases feasibility (phase 1), basic design (phase 2) and detailed design (phase 3) carried out under the Partnership Agreement and explained therein.
<b>Project Company</b>	This term has the meaning attributed to it in the Partnership Agreement.
<b>Project Manager</b>	This term has the meaning attributed to it in the Partnership Agreement.
<b>Consortium</b>	See Consortium



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Term	Definition
<b>Partnership Agreement</b>	The agreement with appendices, including any additions and/or amendments, which sets out the terms and conditions governing the partnership between the Partners.
<b>Partners</b>	The Municipality of Amsterdam, Vattenfall Power Generation Netherlands, Energie Beheer Nederland (EBN) and the Operator
<b>Selection criteria</b>	The criteria on which the Requests to Participate will be assessed and ranked if more than four (4) Requests to Participate have been submitted to which the Grounds for Exclusion do not apply and which meet the Suitability Requirements.
<b>Selection documents</b>	The Selection Guideline, the Dialogue and Tender Guideline, the Clarification Document(s), the Partnership Agreement, the term sheets and all other documents provided by the Contracting Authority in the context of the Selection Procedure.
<b>Selection Guideline</b>	The present document in which the Contracting Authority has included all information relevant to the submission of a Request to Participate.
<b>Selection procedure</b>	The procedure conducted for the purpose of selecting an Operator and to which this Selection Guideline applies.
<b>TZA</b>	Toewijzing Zoekgebied Aardwarmte
<b>Ground(s) for Exclusion</b>	Grounds for exclusion from participation in the Selection Procedure, which depending on the provisions of the Selection Documents relate to circumstances concerning the (person of the) Candidate, the (person of the) Participant in a Consortium and/or the (person of the) Third Party.
<b>Operator</b>	The Tenderer to whom the partnership on the basis of the Partnership Agreement has been awarded.
<b>Uniform Europees Aanbestedingsdocument (UEA/ESPD)</b>	Statement as referred to in Article 2a.42 or 2.84 of the Dutch Public Procurement Act 2012 in which an economic operator indicates whether any Grounds for Exclusion apply to them, whether they meet the Suitability Requirements and, where applicable, in what way they meet the Selection Criteria.
<b>Permit holder(s)</b>	The party/parties jointly holding the permit 'Toewijzing Zoekgebied Aardwarmte Amsterdam – Amstelveen I'.

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## Selection Procedure overview

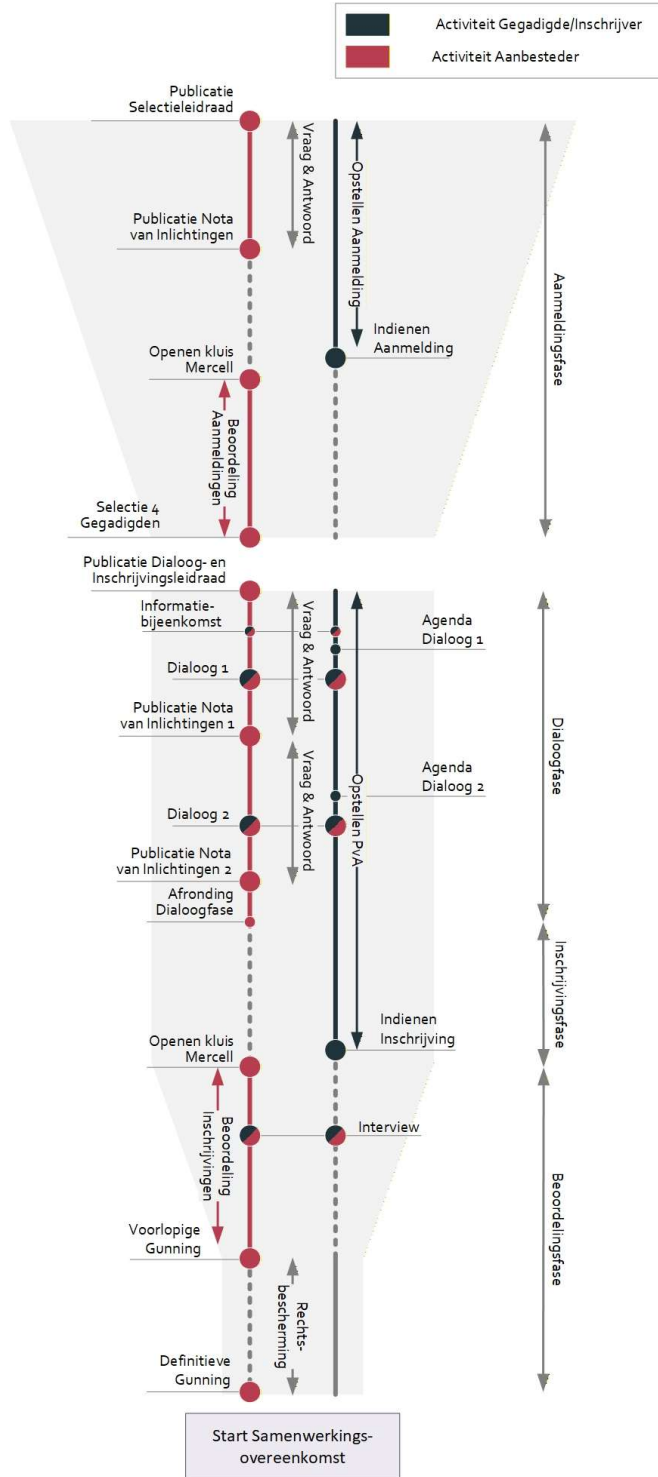


Figure 1 Selection Procedure overview

## **Appendix 2 - Uniform Europees Aanbestedingsdocument (UEA/ESPD)**

## Appendix 3 - Model reference works form

<b>Selection Procedure</b>	<b>Geothermie Amsterdam-Amstelveen 1 Operator</b>
<b>Contract</b>	AI 2026-0008

### For the purpose of core competencies (Suitability Requirements) and Selection Criteria

This form should be completed in full. The Candidate must complete a separate form for each reference submitted. The form must clearly demonstrate the correctness of the choices completed in the questionnaire.

The grey explanatory texts in the yellow fields must be replaced with the Candidate's own input.

<b>Candidate</b>	
Name:	Name of the Candidate
Address / Postcode location	Postcode and location Candidate
Reference project	
Reference project number	No.
Reference project (name)	Project Name
Core competence(s) section 4.3.4 and/or Selection criteria section 4.4 to which the reference relates (tick if applicable). One reference can be listed for several core competences and/or Selection Criteria.	<input type="checkbox"/> Core competence A <input type="checkbox"/> Core competence B <input type="checkbox"/> Core competence C <input type="checkbox"/> Selection criterion S1 <input type="checkbox"/> Selection criterion S2 <input type="checkbox"/> Selection criterion S3
<b>Name and address of Contracting Authority/contracting partner:</b>	
Contracting Authority/contracting partner:	Name
Contact person at the Contracting Authority/contracting partner:	Contact person's name
Contact details contact person at the Contracting Authority/contracting partner:	Telephone number: [...] E-mail address: [...]
<b>Further information reference project</b>	

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	Location of reference work	Location details / address.  Add as an Appendix: a site drawing or map (e.g. google maps) showing the exact location of the work area of the reference project.
	Start date agreement/date permit is granted (in case of Core Competence A)	Date
	Date of completion/completion of the works	Completion date
	Form of agreement:	(e.g. UAV / UAV-GC)
	Performed under a partnership:	Yes / no (if yes: fill in below)
	The names of the other participants in the partnership	Names of participants in the consortium and subcontractors
	Description of the works performed by the Candidate within the reference project.	Description of the work <potentially supplemented by project sheets; total maximum 4 pages A4 format>
	Scope of works performed by the Candidate and the other participants in the partnership.	<p>€.....of the work performed by the Candidate</p> <p>€.....+ description of work performed by the participant(s) in the consortium</p> <p>€.....+ description of work performed by subcontractors</p>

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## Appendix 4 - Russia statement

<b>Selection procedure</b>	<b>Uitvoerder Geothermie Amsterdam-Amstelveen 1</b>
Contract	AI 2026-0008

### EXPLANATORY NOTES

In the fifth EU sanctions package on Friday, 8 April 2022, the Member States agreed that it is prohibited for contracting authorities and entities operating in the special sectors to award new contracts to Russian parties established in the Russian Federation, including subsidiaries established in the European Union that are controlled or directed by such parties.

For this reason, the Candidate is required to submit the present declaration. The declaration must be duly signed by the person authorised to represent your organisation.

### DECLARATION

By submitting a Request to Participate in the context of the Geothermie Amsterdam-Amstelveen 1 Operator Selection Procedure, with contract number AI 2026-0008, the undersigned authorised representative hereby truthfully declares on behalf of the Candidate that, both in the context of the Request to Participate and the Tender, as well as during the performance of the activities under or arising from the Partnership Agreement, there is (and will be) no Russian involvement as referred to in:

- Article 5 duodecies of Regulation (EU) 833/2014 of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine, as amended by Regulation (EU) 2022/576 of 8 April 2022; and
- Article 1h of Council Decision 2014/512/CFSP of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine, as amended by Council Decision 2022/578/CFSP of 8 April 2022.

The undersigned authorised representative in particular declares that the Candidate:

- a) Is not a natural person with Russian nationality, nor a natural person residing in Russia;
- b) Is not a legal person, entity or corporate body established in Russia;
- c) Is not a legal person of which more than 50% of the ownership is held by a Russian party as referred to under (a) and (b) above;
- d) Is not a natural person or legal person acting on behalf of or at the direction of a Russian party as referred to under (a) through (c) above;
- e) In performing the activities under or arising from the Partnership Agreement, as a non-Russian party, does not use – or uses for no more than 10% of the contract value – subcontractors, suppliers, or entities that are considered Russian parties as referred to under (a) through (d) above.

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The parties referred to under (a) through (d) above expressly include all companies that are part of a participating Consortium.

The persons referred to under (c). and (d). expressly include natural persons and legal entities based in the EU/EEA or in a country other than Russia.

Stated truthfully and duly signed:

Place and date	
Ch. of Comm. number company (commercial register number)	
Name and initials of authorised representative	
Position of authorised representative	
Place of business: Street Postcode, City Postbus Postcode, City	
Signature of authorised representative	

## Appendix 5 - Format statement on appeal to Third Party

### Model statement of availability of skills subcontractor.

Selection procedure	Uitvoerder Geothermie Amsterdam-Amstelveen 1
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Subcontractor details: *<name under the articles of association>*

With its registered office in:

Name:

Legal form:

Address details:

E-mail:

Telephone:

*[name subcontractor]* declares:

1. that it has taken note of the Selection Guideline for this Selection Procedure and unconditionally agrees to the procedure set out therein;
2. that all information it has provided and will provide to the Contracting Authority in the context of this Selection Procedure, whether directly or indirectly, is accurate, and that it is aware that any inaccuracies identified by the Contracting Authority may constitute grounds for excluding the Candidate from further participation in this Selection Procedure;
3. that *[name Candidate]*, if the partnership under the Partnership Agreement will be awarded to *[name Candidate]*, will be able to rely on the knowledge, experience and resources made available by the undersigned for the performance of the work.

Thus signed at *[location]*, on *[date]*

*[Subcontractor]*,

*[name of authorised representative]*

*[position]*



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[*signature*]

## **Appendix 6 - Information Memorandum**

See separate document 'Information Memorandum - update 2026 FINAL 20260213'.

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## **Appendix 7 - Draft Partnership Agreement**

See separate document 'Amsterdam - Amstelveen I - Samenwerkingsovereenkomst met Uitvoerder (finaal concept)'

## Appendix 8 - Term Sheets

See separate documents:

1. Term Sheet Shareholders' Agreement: document 'Bijlage 8 - Aandeelhoudersovereenkomst Term Sheet'
2. Term Sheet Service Agreement: document 'Bijlage 6 - Materiële uitgangspunten DVO (term sheet)'
3. Term Sheet Heat Supply Agreement: document 'Bijlage 7 - WLO Term Sheet'

## **Appendix 9 - Information market consultations**

See separate document 'Bijlage 9 – informatie Marktconsultaties'