

Complaints Procedure for Public Procurement Naturalis

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Article 1 – Definition of a Complaint

1.1 A complaint is a notification submitted by an economic operator who has an interest in a tender procedure conducted by the Naturalis Biodiversity Center (hereinafter: "Naturalis"), in which the operator provides a substantiated explanation as to why they disagree with (a part of) said procurement.

1.2 Complaints may concern specific actions or omissions by Naturalis in a particular tender procedure that are allegedly in breach of statutory provisions, directives, or other applicable regulations governing that procurement.

Article 2 – Right to Submit a Complaint

2.1 Only economic operators with an interest in the award of a specific contract may submit a complaint. This category exclusively includes:

- A. (Potential) candidates and/or tenderers;
- B. Subcontractors of (potential) candidates and/or tenderers;
- C. Trade associations and industry-related advisory bodies representing entrepreneurs.

2.2 Subcontractors may submit a complaint insofar as it does not relate to their contractual relationship with the main contractor.

2.3 Anonymous complaints are not permitted. However, trade associations may submit a complaint in their own name concerning objections to a tender procedure that are shared by one or more entrepreneurs within the industry.

Article 3 – Scope of the Complaints Procedure

3.1 Complaints must relate to aspects of public tender procedures governed by the Dutch Public Procurement Act 2012. These procedures may be either European or national in scope.

3.2 Complaints concerning Naturalis' general procurement policy will not be considered.

Article 4 – Effect of Filing a Complaint on a Tender Procedure

4.1 The submission of a complaint does not automatically suspend the relevant tender procedure.

4.2 Naturalis retains the discretion to decide whether or not to suspend the relevant tender procedure.

Article 5 – Submission of a Complaint

5.1 The economic operator shall submit the complaint by email to the Naturalis Procurement Complaints Committee (hereinafter: "the Complaints Committee") via the address: klachtenaanbestedingen@naturalis.nl.

5.2 The complainant must clearly indicate that the communication concerns a complaint, identify the subject of the complaint, and propose a solution. The complaint should address the elements described in Article 1 of this procedure.

5.3 The complaint must include the date, the name and address of the economic operator, the contact person's details, and a clear reference to the procurement in question.

5.4 Complaints should be submitted as promptly as possible and preferably before the final submission of bids or during the standstill period, in order to allow Naturalis the opportunity to make adjustments where appropriate.

5.5 The Complaints Committee will not consider a complaint in the following circumstances:

- A. If the complaint relates to an aspect of the procurement for which clarification should reasonably be sought through the questions mechanism provided in the Invitation to Tender, within the applicable deadlines;
- B. If the complaint is insufficiently substantiated or documented;
- C. If the complaint concerns a procurement (or an aspect thereof) that is already the subject of pending legal proceedings or has already been adjudicated by a court;
- D. If the complaint relates to Naturalis' general procurement policy.

5.6 If the Complaints Committee decides not to consider a complaint, the complainant will be notified in writing, with reasons.

Article 6 – Composition and Procedure of the Complaints Committee

6.1 For each complaint, Naturalis shall constitute an ad hoc Complaints Committee composed of one or more employees with expertise in procurement and legal matters, who are not directly involved in the procurement at issue. If necessary, Naturalis may engage external parties to ensure the independence of the Committee.

6.2 The Complaints Committee will send an acknowledgement of receipt of the complaint within two working days, indicating the timeframe within which a response can be expected.

6.3 Naturalis may inform other (potential) candidates or tenderers of the complaint at its own discretion.

Article 7 – Investigation of the Complaint

7.1 The Complaints Committee will investigate the complaint. It may request additional information from the complainant and/or Naturalis. However, it is explicitly the responsibility of the parties involved to provide all relevant information to the Committee on their own initiative.

7.2 The investigation shall commence as soon as possible and proceed diligently, with due consideration for the timeline of the tender procedure.

7.3 The Complaints Committee shall issue a written, non-binding opinion to Naturalis concerning the appropriate course of action. Naturalis is under no obligation to share or adopt this advice.

Article 8 – Decision on the Complaint

8.1 Naturalis shall decide on the complaint and inform the complainant as soon as possible by email, stating the reasons for its decision. The outcome shall be one of the following: the complaint is upheld; the complaint is rejected; or the complaint is partially upheld. The decision shall also indicate whether Naturalis will take any corrective and/or preventive measures.

8.2 Other (potential) candidates or tenderers shall be informed of the resolution of the complaint if Naturalis deems this necessary.

8.3 Depending on the stage of the tender procedure, Naturalis may communicate any intended measures to all involved parties simultaneously, including the complainant.

Article 9 – Referral to the Committee of Procurement Experts

9.1 Upon the request of the economic operator or Naturalis, the Complaints Committee may propose to refer the complaint for mediation or advisory review by the Dutch Committee of Procurement Experts (*Commissie van Aanbestedingsexperts*) prior to Naturalis' decision.

Article 10 – Further Recourse

10.1 If Naturalis has informed the economic operator of its decision on the complaint, or fails to respond within a reasonable period, the operator may submit the complaint to the Committee of Procurement Experts.