

CALL FOR A REQUEST TO PARTICIPATE
IN A EUROPEAN TENDER FOR AN INNOVATION PARTNERSHIP
ISSUED BY THE MINISTRY OF INFRASTRUCTURE AND WATERMANAGEMENT
FOR PRE-DEPLOYMENT OF AUTONOMOUS ROAD TRANSPORT

SOLVING MULTIPLE ENIGMA'S IN A PUBLIC-PRIVATE SETTING
BY VIRTUE OF A NEGOTIATION PROCEDURE

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1. Prologue

Over the past decade, autonomous public and collective transport and autonomous freight transport have progressed from experimental concepts to real-world operations in a growing number of non-EU locations. In some contexts, services already operate at meaningful scale, demonstrating that the underlying technology can perform reliably under defined conditions. At the same time, the step from successful operation in a specific context to broader, repeatable deployment remains complex (system and subsequent market failures).

Generally speaking: the challenges of autonomous public and collective transport and autonomous freight transport are not primarily of a technical nature but on establishing a viable business case that can compete with regular transport and find a valuable place in the mobility system. Simply put, the additional costs of an autonomous vehicle must be compensated for by making the driver redundant. Which requires various hurdles to overcome. For instance, but not limited to, approval by road authorities, modification to existing legal restrictions, developing demand, and so forth. So that autonomous driving can become an integral day-to-day element of the mobility system as a whole and especially within autonomous public and collective transport and autonomous freight transport.

The ambition of this tender is twofold:

- 1) to enable industry and operators of public transport to deploy and validate autonomous transport solutions in real operational settings in the Netherlands. As a European stepping stone in the pre-type-approval phase, with a credible pathway (see **annex 1**) towards scalable, fully operational and commercially viable services around 2030, and;
- 2) to generate structured real-world learning for public authorities and operators - on safety assurance, supervision, permitting, enforcement interfaces and system integration - so that autonomous driving can become a normal, day-to-day element of mobility and freight transport in the years ahead.

To overcome this challenge, IenW initiates a rather enigmatic procurement process where private and public entities together define the requirements and activities needed by all relevant actors in the Netherlands. It does so by applying the European tender procedure for an innovation partnership. This tender procedure (which is a negotiation procedure) allows the procuring entity to remunerate certain costs (for instance the residual value of an autonomous vehicle) that the contractor is not able to recover based on the contract duration of the innovation assignment(s).

The overall ADS investment program amounts to **€35 million**, of which **€20 million** is allocated to this tender to co-finance the innovation assignments over the next four years. This co-funding may (partly) cover the costs of permit procedures, commissioning research to prepare public authorities (including simulations and targeted research trajectories), and other related expenses. These figures are indicative only; it will be decided during this tender procedure which co-financing is necessary based on viable innovation assignments submitted to IenW.

2. Anticipated scope of the innovation assignments

IenW aims to award several innovation assignments. The exact number of innovation assignments and their scope is, at this time, unknown. It requires in-depth discussions with selected candidates on

feasibility, scope, deliverables and so forth before a robust choice thereto can be made.

The following four (4) thematic topics where innovation assignments are useful are:

1. autonomous public and collective transport in and around urban areas;
2. autonomous public and collective transport in (semi-) rural areas;
3. autonomous public and collective transport between key economic clusters;
4. autonomous freight transport within and/or between terminals or distribution centres located in port clusters and/or logistical hubs.

These four (4) thematic topics are tendered through:

- 1) **Allotment A:** Autonomous public and collective transport for thematic topics 1, 2 and 3. Please note: lenW will not award innovation assignments for robot taxi's.
- 2) **Allotment B:** autonomous freight transport for thematic topic 4. Please note: lenW will not award innovation assignments for delivery robots.

3. The European tender procedure of the innovation partnership

Lessons learned over the past decade as well as a recent survey commissioned by lenW (see **annex 2** for allotment A and **annex 3** for allotment B) show that multiple actions as well as the involvement of multiple public and private actors are needed to accomplish the desired results in this tender procedure. lenW will organize a meeting for public actors only, prior to the closing date of submitting a RTP, to brief them on the added value of being involved in this tender procedure.

As stated before, to overcome the many challenges, lenW decided to apply the European tender procedure of the innovation partnership as codified in articles 2.31a and 2.31b of the Dutch Procurement Law (Aanbestedingswet 2012). Interested candidates are strongly advised to familiarize themselves with this specific tender procedure prior to submitting a Request to Participate (hereinafter: RTP).

4. High-level description of the procurement process

The procurement process is structured in the following six (6) phases. The indicative planning in paragraph 5 might be modified during the tender process based on the progress made.

Phase one (1): interested candidates are allowed to ask questions

An interested candidate is allowed to submit questions to clarify this document and the applicable annexes thereto. Such a candidate shall submit its questions to the following e-mail address only: postbuspilotsautonoom@minienw.nl. Please use the following subject title in the e-mail: Questions regarding allotment A or Questions regarding allotment B.

TenderNed does not fully support this tender procedure (only the publication of tender documents and the tender award documents). So all communication (like submitting questions or submitting one (1) or two (2) RTP('s)) can be done via e-mail only. **Please refrain from submitting questions in TenderNed or uploading a RTP in TenderNed.**

Phase two (2): interested candidates have to submit a RTP

Every interested candidate has to submit a RTP (via the same e-mail address) indicating its interest to participate. Please be aware of the fact that such candidate has to comply with:

1. the exclusion grounds for the allotment(s) candidate wants to participate which are listed in paragraph 7;
2. the suitability requirements for the allotment(s) candidate wants to participate which are listed in paragraph 8.

Interested candidates have to submit (via the same e-mail address) for each RTP the **European Single Procurement Document (ESPD)** published in TenderNed in order to demonstrate that none of the applicable exclusion grounds listed in paragraph 7 applies to the candidate. The RTP (to be submitted via the same e-mail address) shall also include a response to demonstrate that candidate complies with the applicable suitability requirements for the allotment(s) candidate wants to participate listed in paragraph 8. The details that need to be submitted on the suitability requirements are listed in the MS Word documents made available on TenderNed (tailored to allotments A and B).

If an interested candidate cannot comply with these exclusion grounds and/or the suitability requirements, lenW kindly request such an interested candidate to refrain from submitting one (1) or two (2) RTPs.

Phase three (3): pre-selection of candidates

The first triage in this tender process is based entirely on the following three (3) criteria:

- 1) is the RTP compliant to the requirements listed in paragraph 6;
- 2) do none of the exclusion grounds listed in paragraph 7 apply towards the candidate;
- 3) does the candidate meet the suitability requirements listed in paragraph 8.

If one of these three criteria is not met, the RTP of such candidate will be rejected. All candidates that have met the aforementioned criteria will proceed to phase 4.

Phase four (4): further triage of pre-selected candidates if necessary

This specific tender procedure requires a lot of time and effort for all entities involved. For this reason lenW might be compelled to limit the total number of candidates that are allowed to participate in phase five (5) of this tender procedure.

The maximum total number of candidates that are allowed to participate in phase five (5) of this tender procedure are:

- 1) for allotment A (for autonomous public and collective transport): 15 in total;
- 2) for allotment B (autonomous freight transport): 10 in total.

Every candidate that is not selected for phase five (5) will be offered a bench position compliant to the bestowed ranking in phase 4. The triage (if necessary) in this phase four (4) will be done based on the criteria listed in paragraph 9.

Phase 5: bilateral meetings with selected candidates

lenW shall initiate bilateral meetings with all selected candidates after the time has elapsed for candidates that did not pass the triage process (phase 4) were able to challenge said outcome in court.

The applicable rules of conduct during the bilateral meetings in phase 5 are described in paragraph 10. If it turns out that a selected candidate does not adhere to these rules, lenW is allowed to terminate the participation of such selected candidate in this tender procedure and invite a selected candidate from the – at that time – top ranking bench position.

Selected candidates for phase 5 (and onwards) are eligible to receive a fixed compensation fee if the criteria thereto (see paragraph 11) are met. Please be aware of the fact that this fixed compensation fee does not cover all the efforts and time required from a candidate to participate in this tender procedure.

Phase 6: the actual tendering process

lenW shall, after phase 5 has been concluded, release so-called **Invitation to Tender (ITT) documents**. How many and the scope of each ITT-document will be determined by lenW based on the insight(s) of lenW arisen during the bilateral meetings in phase 5.

The selected candidates are then invited to submit an initial (not binding) tender to lenW. This initial tender is subject to negotiation between the selected candidate and lenW. There are specific boundaries that apply on what is open for negotiation and not. At the start of phase 5 an online workshop will be organized by lenW on the applicable rules of the negotiation process.

Once the negotiation process is concluded, lenW will issue a one or more so called **Final Invitation to Tender (FITT) document(s)**. How many and the scope of each FITT-document is determined by lenW based on all insight gathered in the initial tenders received and the subsequent negotiations.

Candidates shall use the FITT-document as the basis for their final (and binding) tender. Based on the **Most Economically Advantageous Tender (MEAT)** and evaluation methodology described in such a FITT-document, lenW might award one or more innovation assignments.

The figure below summarizes the procurement process of this tender procedure.

HIGH-LEVEL OVERVIEW OF PROCUREMENT PROCESS

PHASE 1

INTERESTED CANDIDATES CAN SUBMIT QUESTIONS

PHASE 2

INTERESTED CANDIDATES CAN SUBMIT A REQUEST TO PARTICIPATE

PHASE 3

AUDIT ON: (1) COMPLETE RTP, (2) COMPLIANCE WITH THE EXCLUSION GROUNDS AND (3) THE SUITABILITY REQUIREMENTS

PHASE 4

FINAL SELECTION IS MADE BASED ON THE RANKING CRITERIA LISTED IN PARAGRAPH 4 IN THE CALL FOR A REQUEST TO PARTICIPATE

PHASE 5

IN-DEPTH BILATERAL MEETINGS AND DEMONSTRATIONS WITH ALL SELECTED CANDIDATES. THIS PHASE REQUIRES SUBSTANTIAL EFFORT AND IS RENUMERATED (CONDITIONS APPLY). IF A CANDIDATE PARTICIPATION CEASES ANOTHER CANDIDATE FROM THE BENCH POSITION MIGHT BE INVITED TO PARTICIPATE

PHASE 6

INITIATION OF THE BIDDING PROCESS:
1) INITIAL TENDER HAS TO BE SUBMITTED BASED ON THE RELEVANT ITT-DOCUMENT ->
2) BILATERAL NEGOTIATIONS ON THESE INITIAL TENDERS ->
3) IENW ISSUES THE FITT-DOCUMENTS ->
4) CANDIDATES HAVE TO SUBMIT THEIR FINAL TENDER(S)

5. Anticipated planning of the tender process

The planning below is indicative only! The reasons therefore are, for instance, thus not limited to:

1. there are several moments interested candidates might decide to challenge a decision of IenW during phases 3 and 4 which will result in delay;
2. selected candidates might decide to challenge a decision of IenW during phases 5 and 6 which will result in delay;
3. based on the discussions in phase 5, IenW might need more time to work on existing or necessary prerequisites prior to initiating phase 6 which will result in delay;
4. none of the candidates decides to challenge a decision by IenW (see rules of conduct paragraph 10) which will result in a substantial acceleration of the tender process.

THE SELECTION OF SUITABLE CANDIDATES (PHASES 1, 2, 3 AND 4)

PUBLICATION RTP ON TENDERED EN TED	MONDAY MARCH 16, 2026
DEADLINE TO SUBMIT QUESTIONS	TUESDAY MARCH 31, 2026
PUBLICATION OF Q & A ALLOTMENTS A AND B	FRIDAY APRIL 3, 2026
DEADLINE TO SUBMIT A RTP FOR ALLOTMENT A AND B	WEDNESDAY APRIL 15, 2026
AUDIT OF THE RTP'S RECEIVED (PHASE 3)	WEDNESDAY APRIL 15, 2026
RANKING OF CANDIDATES (PHASE)	THURSDAY APRIL 16, 2026
BILATERAL NOTICES OUTCOME OF FINAL SELECTION CANDIDATES	FRIDAY APRIL 17, 2026
(POTENTIAL) STANDSTILL PERIOD FOR REJECTED CANDIDATES	THURSDAY MAY 7, 2026

IenW does not expect that candidates that are rejected will challenge such a decision. For the simple reason that if the interested candidate did not submit a RTP compliant to the requirements listed in paragraphs 7 and 8 will not be in a position to successfully challenge the decision of IenW in court. It is for this reason that the planning below is initiated prior to the end of the standstill period listed above.

However, if an interested candidate informs IenW that it intends to challenge its rejection, all selected candidates will be informed and the tender process will be paused until the moment such candidate can no longer appeal on the preliminary injunction by the Dutch court.

PHASE 5: IN-DEPTH CONVERSATIONS TO ENHANCE SCOPE

REQUEST TO SUBMIT A PROPOSITION PAPER TO IENW	FRIDAY APRIL 17, 2026
DEADLINE TO SUBMIT PROPOSITION PAPERS TO IENW	FRIDAY MAY 8, 2026
IENW ISSUES THE AGENDA AND TOPICS FOR THE FIRST BILATERAL MEETINGS	FRIDAY MAY 29, 2026
FIRST ROUND OF BILATERAL MEETINGS (SCOPE AND REQUIREMENTS THERETO)	JUNE 3, 4 AND 5, 2026
IENW ISSUES ITT VERSION 0.85 FOR ALLOTMENTS A AND B	FRIDAY JUNE 19, 2026
2ND ROUND OF BILATERAL MEETINGS ON ITT VERSION 0.85	JUNE 24, 25 AND 26, 2026
DRAFT ITT-DOCUMENTS VERSION 0.9 TO SELECTED CANDIDATES	FRIDAY JULY 10, 2026
DEADLINE TO SUBMIT WRITTEN COMMENTS ON ITT 0.9	FRIDAY JULY 31, 2026
THIRD ROUND OF BILATERAL MEETINGS ON DRAFT ITT-DOCUMENTS	AUGUST 12, 13 AND 14, 2026
PUBLICATION OF THE ITT-DOCUMENTS VERSION 1.0	FRIDAY AUGUST 21, 2026

PHASE 6: INITIAL TENDER, NEGOTIATIONS AND FINAL TENDER

DEADLINE TO SUBMIT AN INITIAL TENDER BASED ON ITT 1.0	FRIDAY SEPTEMBER 4, 2026
BILATERAL NEGOTIATIONS WITH CANDIDATES	SEPTEMBER 16, 17 AND 18, 2026
IENW RELEASES FITT DOCUMENTS FOR ALLOTMENTS A AND B	SEPTEMBER 16, 17 AND 18, 2026
REQUEST TO SUBMIT A FINAL TENDER BASED ON THE FITT	FRIDAY SEPTEMBER 25, 2026
OUTCOME OF EVALUATION OF FINAL TENDER(S)	TUESDAY SEPTEMBER 29, 2026
POTENTIAL STANDSTILL REJECTED TENDER(S)	TUESDAY OCTOBER 10, 2026
AWARDING INNOVATION ASSIGNMENTS	AS SOON AS POSSIBLE THEREAFTER

6. Applicable requirements on the RTP

A RTP submitted by a candidate shall comply with the requirements listed in this paragraph.

RTP-requirement 1: legal structure of the candidate

There are only three (3) options for a candidate in submitting a RTP. The three requirements listed below apply to all candidates that want to submit a RTP for allotments A and/or B).

Option 1: the RTP states that the candidate is the only legal entity

If such a legal entity uses subcontractors, such candidate shall be fully liable for performing all contractual obligations to IENW, including the obligations candidate has subcontracted. Compliance with this “RTP-requirement-1 option 1” has to be stated explicitly in the RTP-document and all subcontractors have to be listed in the mandatory ESPD document. For the avoidance of doubt: any modification on subcontractors during the tender procedure that might have an impact on compliance with the suitability requirements is not allowed and any modification on subcontractors during the execution of the innovation assignment requires prior approval by IENW.

Option 2: the RTP states that candidate is an “informal” consortium

If the candidate is created as a consequence of a consortium agreement between multiple legal entities then each legal entity (private as well as public) has to declare to be jointly and severally liable for the full and proper performance of all contractual obligations towards IENW.

The Request to Participate shall include a written and signed statement including signed letters of intent from all consortium partners confirming their participation and joint responsibility, supplemented by (ii) an ESPD from each consortium partner that a complete and tailor-made version of the standard DESCA consortium agreement which is available on: <https://www.desca-agreement.eu/desca-model-consortium-agreement/> will be included in every initial tender submitted.

Please note: any modification of the entities listed in said statement during the tender procedure that might have an impact on compliance with the suitability requirements is not allowed and any

modification of said entities (or new participants) during the execution of the innovation assignment requires prior approval by IenW.

Option 3: the RTP states that applicant(s) intent to establish a new legal entity if and when an innovation assignment is awarded

If the candidate declares it intends to establish a new legal entity if and when an innovation assignment is awarded, it shall comply with the requirements listed in option 2. Furthermore, candidate shall disclose the following information of such new legal entity: name, legal structure (for instance NV, BV, otherwise) and written prior approval of all entities participating in the informal consortium to transfer the rights and obligations of each legal entity in the informal consortium to such a new legal entity. For the avoidance of doubt: any modification of the entities listed in the consortium agreement during the tender procedure that might have an impact on compliance with the suitability requirements is not allowed and any modification of said entities (or new participants) prior to the transfer to the new legal entity or during the execution of the innovation assignment requires prior approval by IenW.

RTP-requirement 2: applicable limitations to submit a RTP

To avoid collusion in the tender procedure the following requirements apply:

1. every interested candidate is allowed to submit the maximum of two (2) RTP's. One (1) for autonomous public and collective transport and one (1) for autonomous freight transport. And can choose a different configuration for each one, for instance the one for autonomous public and collective transport as the only legal entity (option 1) and the one for autonomous freight transport as an existing consortium (option 2) or a consortium that still needs to establish a legal entity (option 3).
2. a candidate that applies as main contractor (option 1) may not also participate in another RTP (as a consortium member and/or act as sub-contractor) within the same allotment;
3. only one (1) legal entity within options 2 or 3 is allowed (on behalf of the other participants) to submit a RTP.

RTP-requirement 3: structure of the RTP

The RTP shall comply with the following requirements on its structure:

1. a cover letter duly signed by an authorized representative which shall include a document to substantiate that such a person is authorized to represent the legal entity;
2. an ESPD-document, duly signed by the same representative, demonstrating that none of the exclusion grounds listed in paragraph 7 of this document apply;
3. written evidence that the candidate has met every suitability requirement listed in paragraph 8 of this document applicable to the allotment for which a RTP has been submitted.

Please note: There are two (2) MS Word document in TenderNed that have to be used to submit a RTP, one for allotment A and one for allotment B. Any mistake in a RTP submitted towards the three requirements listed above cannot be corrected and shall result in a rejection to participate in this tender procedure (read: the RTP is INVALID).

7. Applicable mandatory and discretionary exclusion grounds

IenW has published the applicable ESPD-document on TenderNed. It is important that candidate has,

duly signed this ESPD-document by an authorized representative (otherwise the RTP is invalid, this omission cannot be corrected).

TenderNed will most likely also state that a so-called “Document Gedragsverklaring Aanbesteden” has to be submitted. This requirement does not apply to candidates. The reason being is the fact that some of the candidates (for instance OEM’s) are registered within GPA-countries but not in the Netherlands and it will take too much processing time to obtain the “Document Gedragsverklaring Aanbesteden”. However, once such a candidate is selected to participate in phase 5 lenW will require said document to ensure that no innovation assignment is awarded to such entity if and when there is a negative “Gedragsverklaring Aanbesteden” issued by the Dutch Ministry of Justice and Security.

In the event that lenW is requested by candidate (based on either article 2.86a, 2.87a or 2.88 Aanbestedingswet 2012) to waive a non-compliance with an exclusion ground marked in the ESPD document, it shall do so by adding a document to the RTP either describing the mitigating measures candidate has taken to avoid future recurrence **and/or** by submitting a robust motivation why rejection of the RTP would be considered disproportional based on the elapse of time and anticipated scope of this tender.

8. Suitability requirements

Interested candidates have to prove that the suitability requirements listed below are met.

Suitability requirements for allotment A (autonomous public and collective transport)

The following suitability requirements need to be met by a candidate:

1. a written guarantee by Candidate included in the RTP that it can deliver (in terms of production or a delivery contract) the minimum of two (2) autonomous busses or shuttles within two (2) years (minimum seating capacity of **four (4)** passengers excluding the driver) after an innovation assignment is awarded. The written guarantee has to be signed by either the OEM or the reseller of these busses or shuttles and shall indicate the earliest moment in time when delivery is guaranteed so lenW can verify that this suitability requirement is met;
2. prove included in the RTP that candidate has an on-going and/or successful application for vehicle approval in the past three (3) years permitted by a type approval authority for prototypes, new technologies or new concepts. Candidate shall do so by providing details on the vehicle approval process including contact information of the relevant approval authority so lenW can verify that this suitability requirement is met;
3. prove included in the RTP that candidate has experience over the past three (3) years with operation in either:
 - a) **public transport**, with a scheduled bus service under an existing concession of a public transport authority, or;
 - b) **collective on-demand transport**, with an on-demand bus or shuttle service under an existing contract with a public transport or local authority, or;
 - c) **charter bus service**, with a specific service to bring employees to and from their work location under an existing contract with an employee.

Candidate shall do so by providing reference details in the RTP so lenW can verify that this suitability requirement is met.

Suitability requirements for allotment B (autonomous freight transport)

The following suitability requirements need to be met by a candidate:

1. candidate is either:
 - a. an Original Equipment Manufacturer (OEM), or
 - b. a ADS manufacturer that works towards delivering autonomous freight transport vehicles;Candidate shall include evidence in its RTP that this suitability requirement is met;
2. a written guarantee that it can deliver (in terms of production or delivery contract) the minimum of least two (2) autonomous freight transport vehicles within two (2) years after an innovation assignment is awarded. The written guarantee has to be signed by either the OEM or the ADS manufacturer and shall indicate the earliest moment in time when delivery is guaranteed so lenW can verify that this suitability requirement is met;
3. a written guarantee that it will submit an initial tender with the intent on driving on a public road (which needs prior approval by a road authority) within two years after the innovation assignment is awarded. The written guarantee has to be signed by either the OEM or the ADS manufacturer;
4. prove that candidate has an on-going and/or successful application for freight vehicle approval in the past three (3) years permitted by a type approval authority for prototypes, new technologies or new concepts. Candidate shall do so by providing details on the freight vehicle approval process including contact information of the relevant approval authority so lenW can verify that this suitability requirement is met.

9. Ranking methodology

lenW shall apply the ranking methodology listed below if it needs to limit the number of interested candidates.

Ranking criteria for allotment A: autonomous public and collective transport

- 1) based on the RTP submitted, lenW can ascertain that the candidate has already “lined up” potential Dutch client(s). For instance a concessionaire, a grantor of a concession like a Public Transport Authority (PTA), a city, or an employer. Lined up has to be demonstrated based on a written statement between the candidate and such a client. Such a client does not have to be part of the consortium of the candidate or a subcontractor of the candidate but if this is the case than this ranking criterion is met. The to be allocated points (cumulative) are:
 - a. for a contract with a public or collective transport operator (PTO or CTO) **five (5) points**;
 - b. for a written statement from one of the Dutch Public Transport Authority (PTA’s) **five (5) points**;
 - c. for a written statement from a Dutch city or local authority **five (5) points**;
 - d. for a written statement from one Dutch employer that intends to purchase or install a chartered bus service for their employees **five (5) points**.
- 2) based on the RTP submitted, lenW can ascertain that the candidate guarantees to deliver (in terms of production or a delivery contract) at least two (2) autonomous busses or shuttles

(both with a minimum seating capacity of **4** excluding the driver) within two (2) years after an innovation assignment is awarded. If however candidate pledges to deliver more busses or shuttles than two (2) the maximum to be allocated **ten (10) points** (for more busses or shuttles) will be determined based on the following formula: **busses or shuttles pledged divided by the largest number of busses or shuttles pledged *10**.

To illustrate this formula a fictional example:

Candidates	Number of busses or shuttles pledged >2	Points awarded
A	8	7,27
B	3	2,73
C	11	10,00
D	7	6,36

- 3) based on the RTP submitted, lenW can ascertain that – based on past performance over the past three years – candidate was successful in actually driving with an autonomous vehicle. The to be allocated points are (cumulative):
 - a. actual driven with an autonomous vehicle in a commercial operation **five (5) points**;
 - b. if also driven on a public road with an autonomous vehicle **five (5) points**.

Ranking criteria for allotment B: autonomous freight transport

- 1) based on the RTP submitted, lenW can ascertain that the candidate has already “lined up” potential client(s). For instance a shipper, terminal operator or distribution centre. Lined up has to be demonstrated based on a written statement between the candidate and such a client. Such a client does not have to be part of the consortium of the candidate or a subcontractor of the candidate but if this is the case than this ranking criterion is met. The to be allocated points are **ten (10) points**;
- 2) based on the RTP submitted, lenW can ascertain that the candidate guarantees to deliver (in terms of production or a delivery contract) at least two (2) autonomous freight vehicles within two (2) years after an innovation assignment is awarded. If however candidate pledges to deliver more autonomous freight vehicles then the maximum to be allocated **ten (10) points** for more autonomous vehicles will be determined based on the following formula: **autonomous freight vehicles pledged divided by the largest number of autonomous freight vehicles pledged *10** (see the fictional example above);
- 3) based on the RTP submitted, lenW can ascertain that – based on past performance over the past three years – candidate was successful in actually driving with an autonomous freight vehicle. The to be allocated points (cumulative) are:
 - a. actual driven with an autonomous freight vehicle in a commercial operation **five (5) points**;
 - b. if driven on a public road with an autonomous freight vehicle **five (5) points**.

10. Applicable rules of conduct

This specific tender procedure (based on negotiations) might be unfamiliar to some candidates. By submitting a RTP, candidate pledges to comply with the following rules of conduct:

Rule 1: Term of validity: with a view to the option of summary proceedings being instituted against the decision to award an innovation assignment, candidate shall stand by its final tender for a minimum of six (6) months calendar days following the closing date of submitting a final tender.

Rule 2: Communication and language(s): the RTP and all further correspondence and communication regarding this tender process **in phases 1, 2, 3 and 4** shall be formulated in the English language only. During **phase 5 and thereafter** (bilateral meetings and exchanging documents) might take place in the Dutch and/or English language.

Rule 3: Meetings will be recorded: all meetings will be electronically recorded and these recordings will be provided to the relevant candidate.

Rule 4: Termination of the tender process: lenW reserves the right to terminate the tender process in its entirety or in part, temporarily or permanently, and refrain from making an award. In such a situation, candidates shall not be entitled to any indemnification or compensation other than the **10.000 Euro** (including VAT) which only applies as of phase 5 if the conditions thereto are met (see paragraph 11) for any expenses incurred in the context of this tender process.

Rule 5: No claim for compensation of expense: the drawing up and submitting of a RTP, including any further information to be provided, does not entail any expense for lenW. Any costs and/or damages that (may) arise by not allowing candidate to participate in phase 1, 2, 3 and 4 of the tender process are at the expense and risk of such candidate.

Rule 6: Additional information: lenW may request candidate to provide an explanation and/or additional information provided in their RTP. Candidate must comply with such a request within three (3) work days. If the information requested is not provided within said period, lenW may decide to refrain from taking the RTP into consideration. lenW may reject Requests to Participate submitted if, in its opinion, they are incomplete, incorrect or not submitted in time.

Rule 7: Completeness and correctness of the RTP: it is emphasized that candidate itself is responsible for ensuring that its RTP is complete and correct. If, at a later moment in time, candidate appears to have provided incorrect information, it may be excluded from further participation in this tender process. Please note this also applies to the number of autonomous vehicles (more than the 2 required ones) pledged because it can affect the ranking established in phase 4. So if in phase 5 in the initial tender the number of autonomous vehicles turns out to be lower than pledged in the RTP, candidate is excluded from this tender procedure and forfeits its rights to the 10K remuneration fee.

Rule 8: Confidentiality: candidate will observe strict confidentiality with regard to all information from lenW that is or will be known to them or that has been gathered during this tender process procedure. It will only disclose confidential information to its staff insofar as the submission of the RTP so requires..

lenW shall observe strict confidentiality during this tender process. Please be aware that lenW seeks innovative candidates focused on adopting new products and services. As a consequence thereof,

lenW expects selected candidates to provide information (new ideas, roadmap and so forth) that may very well be “confidential information”. It is up to candidates themselves to specifically indicate information provided during the bilateral meetings as “confidential information”. Using general remarks (for instance all the information in this PowerPoint presentation is confidential) is not allowed.

Selected candidates need to realize that classifying too much “insight” as “confidential” will frustrate the tender process. If this occurs, lenW shall inform said candidate that its participation in the tender process might be terminated (an initial warning). If and when lenW uses its right to terminate the participation of a candidate, as a consequence of classifying too much “insight” as “confidential”, it shall be able to do so without any right by candidate for financial compensation (it loses its rights on the 10K remuneration fee).

Rule 9: Contradictions, inadequacies and/or objections: this document has been carefully compiled. Should candidate nevertheless encounter contradictions or inadequacies, it must report so to lenW without any delay and in writing, stating the proposed corrections and any substantiation.

lenW cannot be blamed or held liable for any inadequacies, contradictions and/or flaws in tender documents that are discovered at hindsight and were not reported by candidate during the tender process. Candidates are expected to adopt a proactive attitude.

This means that a candidate cannot make a successful appeal to inadequacies or contradictions that it has not reported within the time schedule of this tender process, whereas such would in reasonableness have been possible. In this situation, candidate shall have forfeited its rights with regard to challenging these inadequacies or contradictions.

In the event that a candidate has timely reported inadequacies, contradictions and/or flaws to lenW, but lenW makes it clear that, in its opinion, the tender document(s) do(es) not contain any inadequacies, contradictions and/or flaws, and lenW refrains from making adjustments or changes in this respect, candidate must take further action (for example, summary proceedings) in order to avoid forfeiting its rights (again) to lodge a legal complaint regarding these inadequacies, contradictions and/or flaws (if any).

Rule 10: Reservations are not allowed: a conditional RTP and/or RTP with reservations are void. The same applies to the final tender submitted in Phase 6.

Rule 11: Copyright: the copyright of information provided by lenW rests with lenW. Save exceptions as stipulated in the Copyright Act, no part of the procurement document(s) and/or information provided by lenW may be reproduced (other than for the purpose of submitting a RTP or a tender) by means of print, photocopying, microfilm or otherwise, without written permission from lenW. Nor may the procurement documentation and/or information provided by lenW and/or parts and/or components thereof be used for commercial purposes of whatever nature, without written permission from lenW.

Rule 12: Changes in candidate’s situation: the final innovation assignment resulting from this tender

process will be the result of all information and documentation provided by candidate to lenW. Candidate shall guarantee that for the term of the innovation assignment including any extensions thereof its organisation possesses the capacities, skills and resources required to meet the requirements and preferences offered in their final tender. lenW must be informed immediately of any – foreseen or anticipated - substantial change in candidate’s situation affecting its ability to meet the contractual obligations. lenW reserves the right to terminate the innovation assignment if such information is not forwarded promptly.

Rule 13: No remuneration for phases 1, 2, 3 and 4: contrary to phases 5 and 6 where selected candidates might receive a remuneration for participation (conditions do apply see paragraph 11) there will be no financial compensation for participation in phases 1, 2, 3 and 4.

Rule 14: Fairplay: lenW is not allowed to limit a candidate’s rights to challenge any decision by lenW during the tender process in court. However, lenW expects fair play by all interested candidates meaning that everybody involved in this tender process prefers not to waste time (and focus) by delays as a consequence of mandatory standstill periods if this is unnecessary. For instance by stating within 48 hours after a rejection notice is received by lenW to inform lenW if a challenge of such notice is forthcoming or not. By submitting a RTP, candidate pledges to do so.

Rule 15: Adequate representation during phase 5

Many topics need to be discussed during the bilateral meetings in phase 5. It is important that a selected candidate will, at all times, delegate the appropriate people (read: not mister business development) in lieu of the topics for such a meeting. Topics like for instance:

1. scope of the innovation assignment including a first attempt to define these in terms of requirements and preferences;
2. adequate service levels;
3. acceptable quality assurance requirements;
4. applicable social and environmental requirements;
5. fair financial model (Capex, Opex, termination for convenience);
6. adequate governance model;
7. adequate risk management model;
8. adequate migration(s) process (at the start and end of the innovation assignment);
9. adequate contractual model (including agreed definitions);
10. fair best price-quality criteria;
11. applicable evaluation methodology.

Rule 16: Dice method

If the established ranking results in more candidates with equal points on position 15 for autonomous public and collective transport or on position 10 for autonomous freight transport than lenW shall apply the dice method. The relevant candidates will be invited for this online procedure.

11. Remuneration phases 5 and 6

The investment of selected candidates in phases 5 and 6 (time to prepare the bilateral meetings with

adequate representatives and the follow-up thereafter) is substantial. Each selected candidate will therefore (afterwards) receive a lumpsum compensation of **10.000 Euro** (including VAT) for participating in phases 5 and 6 unless:

1. it becomes evident during the bilateral meetings (phase 5) that:
 - a) there was obvious lack of the requested expertise and experience by the representatives of the selected candidate during the bilateral meeting(s);
 - b) the representatives were ill-prepared;
 - c) there was no adequate follow-up by the selected candidate after one or more meetings;
 - d) too much information (in the opinion of lenW) was classified as confidential by the selected candidate and therefore useless;
 - e) selected candidate was excluded by lenW during this phase 5 or withdrew itself;
2. Phase 6: no initial tender was submitted by the selected candidate or the final tender submitted by the candidate turns out to be invalid (for instance: it does not meet the minimum requirements in FITT-document);
3. Candidate has unsuccessfully challenged a decision by lenW in court during the tender procedure as a consequence whereof lenW has incurred additional legal costs.

END OF RTP-DOCUMENT