

COMPLAINTS PROCEDURE

Complaint

A complaint is a written notification by a Consortium with an interest in the RfP to the Contracting Authority, in which the Consortium specifies with reasons on what points it disagrees with the RfP or any part of it.

The complaint must at least contain:

- The date;
- The name and address of the Consortium-lead;
- The name of the RfP;
- The content of the complaint in which the complaint is clearly defined as such;
- How the complaint could be resolved according to the Consortium.

Not every question by a Consortium in a Mini-Tendering Procedure needs to lead to a complaint and not every complaint requires going through the entire complaint's procedure. Questions and requests relating to clarification of aspects of the Mini-Tendering Procedure must be submitted in time by the Consortium to the Contracting Authority in accordance with the provisions in the RfP. This also applies to a request to make a non-essential change to the RfP. Only if the Consortium continues to disagree with the response (in the summary of additional information and changes) of the Contracting Authority, or if a response is not forthcoming, may he lodge a complaint with the Contracting Authority. The Consortium may also lodge a complaint immediately.

Complaints relate to aspects of the RfP that come within the scope of the Tendering Act 2012. Complaints may not question the Procurement Policy of the Contracting Authority in general.

Who is allowed to lodge a complaint?

A complaint may be lodged by Consortia with an interest in being awarded for this RfP. This includes:

- interested Consortia or
- subcontractors of (potential) interested Consortia.

Complaints may not be lodged anonymously.

What is the final date for submitting a complaint?

The Consortium is advised to lodge the complaint at the earliest possible opportunity. If the complaint is submitted too late, the Contracting Authority will not be able to resolve the complaint during the ongoing Mini-Tender Procedure.

Submitting a complaint does not stop the Mini-Tender Procedure. The Contracting Authority may or may not decide to suspend the Mini-Tender Procedure.

Where should you submit your complaint?

Complaints should be submitted in writing to: grievances@investinternational.nl

The complaint will be dealt with by one or more persons who have not been involved with the RfP to which the complaint relates.

The complaints handling procedure

- a. After receiving the complaint in the manner described above, the complaints office immediately confirms it has received the complaint.
- b. The complaints office subsequently investigates if the complaint is legitimate, if necessary, based on information provided by the Consortium and the Contracting Authority. The complaints office starts this investigation as soon as possible, proceeding expeditiously, while taking account of the schedule of the Mini-Tender Procedure.
- c. If, after the complaint has been investigated by the complaints office, the Contracting Authority concludes that the complaint is (partially) legitimate and the Contracting Authority takes corrective and/or preventive measures, the Contracting Authority will inform the Consortium of this in writing as soon as possible. The other (potential) Consortia are also informed. Depending on the stage of the Mini-Tender Procedure, the contact person of the RfP of the Contracting Authority may communicate the measures to the Consortia involved in the RfP at the same time as the Consortium who made the complaint is informed. This is to prevent giving undue preference to any of the parties.
- d. If, after the investigation, the Contracting Authority concludes that the complaint is not legitimate, it will reject the complaint giving its reasons for doing so and inform the Consortium.
- e. At the request of the Consortium or the Contracting Authority, the complaints office may propose, before the Contracting Authority decides, to have the complaint submitted to the 'Committee of Tendering Experts' (article 4.27 Aanbestedingswet (Public Procurement Act) 2012).
- f. When the Contracting Authority has informed the Consortium of the decision it has reached, or if the Contracting Authority fails to respond to the complaint within a reasonable term, the complainant may submit the complaint to the 'Committee of Tendering Experts'.