

ADDITIONAL TENDER INFORMATION

1. TENDER PLATFORM

This Tender Procedure will be conducted digitally and online through the TenderNed Platform. Various manuals are available on TenderNed. For questions relating exclusively to the functionality or technology of TenderNed, you can contact the TenderNed Service Desk on working days from 08.30 to 18.00 hours via 0800-TenderNed (0800-8363376) or servicedesk@TenderNed.nl.

2. COMMUNICATION

Communication regarding this Tender Procedure will take place via TenderNed (www.TenderNed.nl). Contact person for this tender procedure is:

| | |
|------------------------------|--|
| Contact person | Angela van der Sluijs |
| Second contact person | Ilona van der Kaaij |
| Department | Procurement |
| Telephone number | +31 (0)6 – 31675906 |
| Address | Bezuidenhoutseweg 12, 2594 AV Den Haag |

3. RANKING IN CASE OF INCONSISTENCIES

In the event of inconsistencies between the various Tender Documents forming part of the Tender Documents, the following ranking will apply, with the higher document listed taking precedence over the lower one:

- a. Memorandum of Information
- b. Tender Document with Appendices
- c. Request to Participate

If there are several Memoranda of Information, the provisions of the most recent Memorandum of Information will prevail in the event of inconsistencies between the Memoranda of Information.

4. COMPLAINTS

In addition to the possibility for Candidates to submit written questions or requests for information through the Memorandum of Information, the Complaints procedure (Appendix **X**) may be used.

5. DOCUMENTS TO BE SUBMITTED

The Candidate must submit the following documents:

1. European Single Procurement Document (ESPD), signed by an authorised person
2. Extract registration Chamber of Commerce (Suitability Requirements Appendix X);
3. Cover Letter: Letter in which you submit your Request to Participate. The letter must specify the Lot(s) to which your Request to Participate relates.
4. Optional: Guarantee declaration by third parties (Suitability Requirements Appendix X);
5. Copy liability insurance (Suitability Requirements Appendix X);
6. Format Reference 1, 2, XXX (Appendix Xa, Xb).

For Phase 2 the Candidate must submit at least the following documents:

1. Declaration of Conduct for Tendering (in Dutch: gedragsverklaring aanbesteden (GvA) (Suitability Requirements Appendix X). The GvA may not be older than two years before the date of the submission of the Request for Participation. When submit with a Consortium, each Consortium member must be able to submit this evidence. A GvA can be requested from Justis, part of the Ministry of Security and Justice (<https://www.justis.nl/producten/gva>).
2. Tax authority Statement (Suitability Requirements Appendix X). A statement from the Tax Authorities, not older than six months at the time of submission, demonstrating that the Candidate has fulfilled its obligations under the legal provisions applicable to it with respect to payment of social security contributions or taxes. When submitting with a Consortium, each Consortium member must be able to submit this evidence.

6. (SUB)CONTRACTING AND CONSORTIUM

Candidates can register for this Tender in two ways.

1. A Candidate can register independently. This individual Candidate will, if a Agreement is concluded with it, be the Contracting Authority's (sole) contractual partner.
2. Two or more Suppliers may jointly tender as a Consortium. The Consortium may tender for one or more lots, whereby all the Consortium members participating in the Consortium become contracting partners of the Contracting Authority and assume joint and several liability. A Consortium is deemed to be one Candidate. The Consortium must jointly submit the requested information and meet the requirements set for the assessment of suitability in accordance with this Selection Document. The Consortium must select one participant to send the invoices to the main Contractor.

Reliance on the capacity of other entities

Suppliers who rely on the capacity of other entities to satisfy the selection criteria from Part IV (Suitability Requirements) must fill in 'yes' at Part C in the ESPD. This concerns, for example, financial and economic capacity, but also, for example, technical capacity, professional competence or the possession of certificates. The Supplier shall state the specific capacity it requires for each of the entities involved. Each of the entities involved fills out a separate ESPD form.

Main Contractor/Candidate

If you act as main Contractor/Candidate and state specific Subcontractor(s) in your Request for Participation, you will be bound, upon award, to engage in cooperation with the mentioned Subcontractor(s) in accordance with the provisions of the Tender.

As the main Contractor/Candidate, you bear full responsibility for the activities of your Subcontractor(s). You will be in charge of communication on behalf of and to the Subcontractor(s). Invoicing subcontracted work will be done by the main Contractor/Candidate.

7. REGISTER ONCE

A Supplier can register once, either as an independent Candidate or as a Consortium member. Companies of the same group are considered the same for the purposes of this Tender Procedure, unless they can demonstrate that there is no threat of transparency or distortion of competition. A Candidate or Consortium member cannot also be a Subcontractor of another Candidate or Consortium member.

8. SIGNATURE ON REQUEST FOR PARTICIPATION

When submitting a Request for Participation, all documents which require a signature must be signed by an authorized director (natural person) or an authorized representative of the Candidate. The director must be listed as such in the trade register of the Chamber of Commerce.

9. RESERVATIONS

- a. The Exclusion and Suitability Requirements are based on the current and future situation at the Contracting Authority known at this time. Candidates cannot derive any rights from the numbers, solutions or specifications stated in this document, nor can they derive any rights from the time schedule as stated on TenderNed. These serve only as an indication of the services and as a basis for comparison between various Candidates.
- b. The solutions requested in this document are based on the technology known and available at the time of writing. Developments in technology or in the market can be a reason for the Contracting Authority to demand from the Candidate that at the moment of delivery of the performance the then current standards and performances are met.

10. CONFIDENTIAL COPYRIGHT AND CONFIDENTIALITY OF THE CONTRACTING AUTHORITY

The Candidate may only use the information which the Contracting Authority makes available to it in connection with the Tender Documents for the purpose for which it was provided. The Candidate shall treat data confidentially and shall not disclose such data to third parties. The Contracting Authority will treat the Request for Participation confidentially. It will only be shown to employees who are directly involved in the Tender Procedure. Correspondence and the received Request for Participation will not be returned afterwards. Publicity regarding this project, is only permitted with the Contracting Authority's written consent.

11. CONTRADICTIONS

This Selection Document and all accompanying Appendices have been prepared with due care. Nevertheless, these Selection Documents may contain ambiguities, inadequacies and/or contradictions. The Contracting Authority expects a proactive attitude from the Candidate, which means that the Candidate will report any lack of clarity in the Selection Documents to the Contracting Authority at the earliest opportunity, giving reasons, and at a time when these lack of clarity can still be rectified, i.e. by asking questions intended for the Memorandum of Information.

After expiry of the deadline for submission of the Request for Participation, the Candidate can no longer object to any lack of clarity in the Selection Documents. Consequently, the Candidate loses its right to raise objections after the Selection Procedure against any violations of law, including the consequences thereof, insofar as these are referred to in the Selection Documents, and the Candidate is deemed to unconditionally consent to the contents of the Selection Documents. The Contracting Authority will then in no way be liable for the consequences of any ambiguities in the Selection Documents. These will be at the risk of the Candidate.

12. REGULATIONS OF THE SELECTION

By submitting a Request for Participation, the Candidate unconditionally complies with the following regulations:

- a. The Request for Participation and any correspondence must be written in English. Further communication of the Tender Procedure is in English as well. The Contracting Authority uses this language requirement as a minimum requirement when assessing the Request for Participation.
- b. The Request for Participation is free of charge for the Contracting Authority. In the pre-contractual phase, the Candidate shall bear its own costs. If no Agreement has been reached and a written Agreement signed by both parties has not been drawn up, the Contracting Authority is not bound in any way whatsoever and there is no obligation to compensate for any damage or costs whatsoever.
- c. Candidate agrees that the Contracting Authority reserves the right to ask to provide official proof at a later stage. If these proofs do not correspond with the statements in the Request for Participation, the Candidate will be excluded from the further Tender Procedure without being entitled to compensation of any cost whatsoever.
- d. All details submitted by the Candidate have been filled in truthfully and can be deemed to be true.

13. SUBMITTED DOCUMENTS

All documentation submitted by the Candidate as part of the Request for Participation will become the property of the Contracting Authority and will not be returned but will be treated and stored confidentially. It will be destroyed after the expiry of the legal retention period. The Contracting Authority will treat as confidential information originating from the Candidate of which it knows, or can reasonably be expected to know, that it is confidential and will in any case consider the legitimate (business) interests of the Candidate.

14. ASSESSMENT PROCEDURE

The Assessment Procedure consists of the following phases:

Phase 1 – Verification of completeness, validity and compliance with formal requirements

The procurement advisor will verify that all documents accompanying the Proposal have been submitted in accordance with the applicable terms and conditions and general provisions. An incomplete response may lead to exclusion. Submitting a conditional Proposal result in exclusion from the further Tendering Procedure.

Phase 2 - Verification of minimum requirements

This phase assesses whether the Candidate unconditionally meets all the minimum requirements. Only a Candidate that submits a Proposal unconditionally and without reservations is considered to have met the requirements. If the Candidate does not unconditionally meet all the requirements, it is excluded from the further Tendering Procedure.

Phase 3 – Evaluation of award criterion ‘best value for money’

The candidate’s response to the formulated Award Criteria will be assessed. The assessment of the Proposal will be based on the Award Criterion 'best value for money'.

15. STANDSTILL PERIOD

The Contracting Authority has decided not to apply the 20-calendar-day standstill period, as provided for in Article 2.127 of the Dutch Public Procurement Act 2012. This decision is based on overriding urgency that makes it incompatible with observing the standstill period. The urgency arises from circumstances that are not attributable to the Contracting Authority and require the contract to be awarded and executed earlier. The urgency is related to “ensuring the continuity of critical services”. Applying the standstill period in this context would result in unacceptable delays with significant negative consequences for the business continuity. For these reasons, the contracting authority considers it justified, in accordance with Article 2.127(5) of the Dutch Public Procurement Act 2012, to proceed with awarding the contract according to the planning as mentioned in article 1 (page 3) of the Tender Document.

Let's build the sustainable markets of tomorrow together.

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