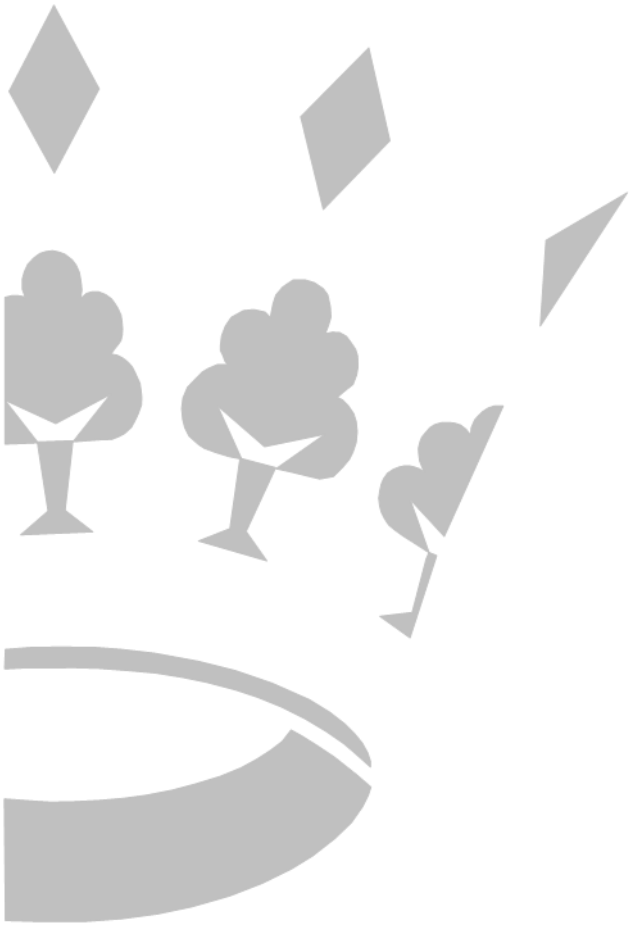
Descriptive Document

E-depot Solution
Municipality of ’s-Hertogenbosch
European Open Procurement Procedure



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1. Introduction

1.1 General

Before you is the Descriptive Document for the procurement of an E-depot Facility by the Municipality of ’s-Hertogenbosch (hereinafter referred to as the Municipality). In addition to a description of the services to be provided under the contract, this document also describes the procedure according to which the procurement is conducted and the conditions that tenderers and tenders must satisfy.

We have chosen to conduct a European Open Procedure, based on the Dutch Public Procurement Act 2012 (hereinafter referred to as Aw 2012).

This Descriptive Document is structured as follows:

- Chapter 2 provides a detailed description of the contract;
- Chapter 3 describes the procedural steps that will be followed during this procurement procedure. This chapter also explains how and when you may participate in this procurement procedure;
- Chapter 4 describes the suitability and qualification requirements that we impose on economic operators;
- Chapter 5 describes the contract award methodology;
- Chapter 6 addresses the legal provisions and rules governing this procurement procedure.

Various appendices are also provided as part of this Descriptive Document.

1.2 Contracting Authority

The Municipality of ’s-Hertogenbosch is a vibrant municipality with approximately 160,000 inhabitants. Our organization employs around 1,850 staff members who are based at multiple locations throughout the municipality. The municipal organization is evolving and is actively working to address current societal challenges in its own way, including liveability, sustainability, and public safety.

1.3 Market Consultation

Prior to this procurement procedure, a questionnaire was submitted to various market participants as part of a market consultation. As the market consultation was published via TenderNed, participation was open to any interested party, including SMEs, local and national suppliers, incumbent providers, and new market entrants.

Where relevant to this procurement procedure, the outcomes of the market consultation have been incorporated into the procurement documents. Outcomes that were not considered relevant have been omitted. The results of the market consultation have been incorporated into the procurement documents where relevant to this procurement procedure. Findings deemed not relevant have been omitted. A summary of the market consultation may be requested from the Contracting Authority. Upon request, the summary will be added to the procurement documents via TenderNed, thereby making it available for review by all interested parties.

1.4 Do you have any questions?

This document has been prepared with due care. Should you encounter any inaccuracies, ambiguities, inconsistencies, or have any questions regarding this document, you may submit them via the TenderNed Questions Module. You may do so until the date specified in the procurement timetable set out in Section 3.2. Questions submitted by any other means, for example as an attachment to a message sent through the TenderNed Messaging Module, will not be considered.

Your questions will be answered anonymously in the Memorandum of Information (*Nota van Inlichtingen*), which will be published on TenderNed. We kindly request that you do not wait until the last moment before the closing of the questions period to submit your questions and/or comments. Where necessary, we may publish multiple Memoranda of Information in order to avoid duplicate questions and to provide relevant information as quickly as possible.
Your questions will be answered in the Memoranda of Information. No rights may be derived from verbal statements.

All communication relating to this procurement procedure must take place through TenderNed. It is not permitted to contact employees of the Municipality regarding this procurement procedure.

2. Contract Description

The following sections provide a description of the contract and all related objectives, conditions, and underlying principles. By submitting a tender in response to this procurement procedure, the tenderer agrees to and accepts the requirements set out in this contract description.

2.1 Background

The Municipality of ’s-Hertogenbosch is initiating an Open European procurement procedure for the acquisition and implementation of a future-proof e-depot solution for the sustainable preservation, management, disclosure, and accessibility of digital archival records. The Municipality currently has an agreement with Preservica for its e-depot solution. Through this procurement procedure, the Municipality intends to conclude an agreement with a single service provider on the basis of the best price-quality ratio.

The digital information management environment is playing an increasingly important role in the performance of public tasks. At the same time, there is a growing need for a reliable solution capable of preserving digital information in a sustainable manner, in compliance with applicable laws and regulations and relevant standards in the fields of archiving and information management. An e-depot forms an essential component in ensuring the authenticity, integrity, accessibility, and usability of digital archives over the long term.
escription of the Contract

2.2 Description of the Contract

The Municipality wishes to procure an e-depot solution for the sustainable management, preservation, availability, and accessibility of digital archival records, in accordance with applicable laws and regulations and relevant standards for digital information management and digital archiving. The e-depot must ensure the authenticity, integrity, reliability, usability, and accessibility of digital information throughout the entire retention period. The Municipality currently uses the e-depot solution provided by Preservica. Through this procurement procedure, the Municipality seeks to continue these services with the provider that offers the best solution based on a combination of price and quality.

The objective of the contract is the delivery, implementation, configuration, and management of a future-proof e-depot solution that ensures the long-term accessibility of digital information.

The solution must:

- Securely and sustainably store digital archival objects;
- Ensure the authenticity, integrity, reliability, and usability of information;
- Support digital preservation actions;
- Enable integration with existing source systems and case management systems;
- Provide management and access functionalities for both internal and external users;
- Comply with relevant legislation and regulations, as well as applicable archival standards.

2.3 Clustering of the Contract

There is no unnecessary aggregation of activities within this contract. The activities are inextricably linked and, for that reason, it has not been considered appropriate to divide the contract into separate lots.

2.4 Scope and value of the Contract

The estimated scope of the contract is as follows: the annual expenditure is approximately EUR 60,000. The agreement will be concluded for a total duration of ten (10) years, including extension options. Consequently, the estimated total contract value is approximately EUR 600,000.

The Contractor shall provide an operational e-depot solution, including all required software, licences, hosting services, and supporting components.

Provision :	The Contractor shall deliver a fully operational e-depot solution, including all necessary software, licences, hosting services, and supporting components.
Implementation:	- Establishment of the technical environment; - Configuration of the solution; - Configuration of roles and authorisations; - Configuration of relevant workflows; - Integration with relevant source applications; - Integration with relevant presentation applications; - Migration of the existing e-depot content; - Ingest of digital archival records; - Functional and technical acceptance testing; - Support during go-live and commissioning.
Management and Support :	- Technical management; - Maintenance; - Security updates; - Incident and problem management; - User support; - Monitoring and reporting.
Knowledge Transfer :	The Contractor shall provide training, workshops, and documentation for administrators and users.

2.5 Requirements specification

The Requirements Specification is included in Appendix 6.

Failure to meet, or the inability to meet, any of these requirements shall automatically result in exclusion from the procurement procedure. Should the tenderer disagree with one or more requirements set out in the Requirements Specification, the tenderer must raise this in the Memorandum(a) of Information (Nota van Inlichtingen). Based on the information provided, the Municipality will determine the consequences, if any, for the procurement procedure.

2.6 Contract to be concluded

The contract concerns a public contract.

The agreement shall commence on 1 April 2027 and shall expire on 1 April 2037. Upon expiry of the initial term, the Municipality may, at its sole discretion, extend the agreement for up to seven (7) additional one-year periods. The Municipality shall provide written notice of its decision regarding any extension no later than three (3) months before the expiry date of the agreement.

2.7 General Terms and Conditions

The GIBIT 2025 shall apply to this contract. See Appendix 2.

2.8 Draft Agreement

The draft agreement is included in Appendix 3. It sets out the administrative, operational, and other conditions governing the performance of the agreement.
Should you have any comments on or proposed additions to the draft agreement, you may raise these in the Memorandum(a) of Information (*Nota van Inlichtingen*). By submitting a tender, you unconditionally accept the attached draft agreement.

2.9 Service Level Agreement (SLA)

The provisionally successful tenderer shall submit a draft Service Level Agreement (SLA) during the verification phase. The tenderer may use its own corporate SLA template for this purpose.
The draft SLA submitted by the provisionally successful tenderer shall serve as the basis for further alignment between the Contracting Authority and the provisionally successful tenderer during the verification phase. The parties shall jointly assess the extent to which the draft SLA complies with the requirements, preferences, and arrangements set out in the procurement documents.
Where necessary, the Contracting Authority and the provisionally successful tenderer may, by mutual agreement, make amendments to the draft SLA. Such amendments must not result in a material change to the contract, the contractual conditions, or the tender as submitted within the framework of this procurement procedure.
Following completion of the verification phase and subject to mutual agreement between the parties, the SLA shall be finalized and shall thereafter form an integral part of the agreement.
In the event of any inconsistency between the draft SLA and the procurement documents, the procurement documents, the Memorandum(a) of Information (Nota('s) van Inlichtingen), the Contractor's tender submission, and the agreement shall prevail. The draft SLA shall be used solely for the further elaboration of the services and service levels within the framework of this procurement procedure.

2.10 Data Processing Agreement

As personal data may be processed during the performance of the contract, compliance with the applicable privacy legislation, including the General Data Protection Regulation (GDPR), must be ensured. The arrangements regarding the processing of personal data are set out in the Data Processing Agreement (Appendix 4). By submitting a tender, the tenderer expressly agrees to the contents of the Data Processing Agreement. The template agreement has been included as an appendix and will be completed following the provisional award of the contract.

2.11 Social Return

The Municipality considers it important that people with a disadvantaged position in the labour market are able to participate in society. Therefore, the "Social Return Policy and Implementation Rules of the Municipality of 's-Hertogenbosch 2025" apply to this contract.

This means that the Contractor must spend at least 2% of the contract value (excluding VAT) on fulfilling the Social Return obligation. GreenFox Social Return supports IT companies in designing a feasible Social Return on Investment (SROI) plan, identifying suitable retraining and employment partners, and establishing proper administrative processes towards the Contracting Authority. See the following resources: *Social Return in IT en ICT — Verplichtingen en invulling - SOCIAL RETURN.eu*; and this link: *GreenFox Social Return. Wij vullen jouw social return in*
The most recent version of the policy and implementation rules can be consulted on the Municipality's website: www.s-hertogenbosch.nl, using the search term "social return".

2.12 Sustainability

Compliance with the sustainability criteria is achieved through meeting the selection criteria. For further information, please refer to Section 4.6, concerning technical and professional ability.

3. Procurement Procedure

This chapter describes the procedural steps that will be followed during this procurement procedure, including the associated timetable. In addition, this chapter sets out the requirements that your tender submission must satisfy.

3.1 Steps of the Procurement Procedure

The following steps will be carried out in the procurement procedure:

1. We will publish the Descriptive Document on www.tenderned.nl.
2. Tenders must be submitted to us through TenderNed.
3. We will assess all submitted tenders against the formal requirements, the exclusion grounds (and the declarations relating thereto), and the selection criteria described in this Descriptive Document. If your tender does not meet these requirements, you will be excluded from further participation.
4. We will then evaluate the remaining tenders on the basis of the award criteria, as set out in this Descriptive Document.
5. Following the issuance of the provisional award decision (subject to a standstill period of at least 20 calendar days), we may request the provisionally successful tenderer to submit supporting evidence demonstrating that it actually satisfies the applicable exclusion grounds and requirements.
6. Once the agreement has been signed by both parties, the contract award shall become final.

The Municipality reserves the right, without thereby incurring any obligation to pay compensation for costs, damages, or any other form of reimbursement, and at any time up to the signing of the agreement, to:

- Suspend or discontinue the procurement procedure for reasons it considers important;
- Amend the procurement timetable, except where this would shorten statutory minimum time limits;
- Withdraw or revise the award decision;
- Decide not to award the contract and/or conclude the agreement.

In any of these cases, you shall not be entitled to claim any compensation or damages.

3.2 Procurement Timetable

The procurement procedure will be conducted in accordance with the timetable set out below. Should the Municipality need to amend this timetable, you will be informed through TenderNed. The most up-to-date timetable will always be available on TenderNed.

Activity	Date
Publication of the contract notice / invitation	12 November 2026
Deadline for submission of questions for the memorandum of information	3 December 2026, 14:00 CET
Publication of ongoing responses (memoranda of information)	12 November to 3 December 2026
Publication of final memorandum of information	8 December 2026
Deadline for submission of tenders	8 January 2027, 14:00 CET
Evaluation of quality award criteria	8 to 14 January 2027
Announcement of top 3 tenderers and unsuccessful tenderers	15 January 2027
Assessment of quality award criterion 8 (top 3 tenderers only)	19 to 26 January 2027
Notification of provisional award decision	28 January 2027
Verification meeting	1 to 4 February 2027

Final award and end of standstill period	24 February 2027 (standstill period ends on 17 February, with additional days due to the spring holiday)
Contract commencement date	1 March 2027

3.3 Requirements for Your Tender Submission

Your tender submission must comply with the formal requirements set out in this section. If your tender submission does not comply with these requirements, we will set it aside and exclude you from further participation in the procurement procedure.

3.3.1 Language

All communication relating to this procurement procedure shall be conducted in Dutch or English. This also applies to communication during the performance of the contract.

3.3.2 Wat dient uw inschrijving te bevatten?

The tender submission must comply with the requirements specified by the Contracting Authority. Upon submission, the questions relating to the exclusion grounds and, where applicable, the selection criteria must be completed, and the following documents must be submitted:

Description	**Must be legally signed**
The completed and signed ESPD (European Single Procurement Document)	Yes
Extract from the National Professional or Trade Register (Chamber of Commerce), OR a recent extract from the national trade or business register of the country of establishment (or an equivalent declaration or proof of registration in a professional or trade register).	No
Other required documents: see Section 4.1	No

If a tenderer has not completed or signed one of the above-mentioned documents, or has not done so in full, the tender submission may be declared invalid.

3.3.3 Who must sign your tender submission?

Your tender submission must be duly signed at the designated locations by one or more authorised signatories. You must be able to demonstrate such authorisation by providing a copy of an extract from the National Professional or Trade Register (Chamber of Commerce), issued no more than six (6) months prior to the tender submission deadline.

The extract(s) from the National Professional or Trade Register must be submitted together with the tender. The extract must also clearly demonstrate the signatory authority of the person(s) signing the tender submission.

If you submit a tender as a consortium, joint venture, or group of economic operators, all participating members must duly sign the tender submission. In addition, each member must submit a recent proof of registration in the National Professional or Trade Register together with the tender submission.

If the tenderer chooses to be represented in the procurement procedure by one or more authorised representatives, this must be indicated in Part IIB of the ESPD (European Single Procurement Document).

In addition, you must submit a power of attorney statement evidencing the authority granted to the authorised representative(s) as part of the tender submission.

3.3.4 How must you submit your tender?

This procurement procedure is conducted entirely through TenderNed. This means that the sending and receipt of documents, as well as all communication relating to the procurement procedure, shall take place through TenderNed.

Tenders must be submitted via TenderNed. Submission by any means other than electronically through TenderNed is not permitted. Tenders submitted by any other method shall be declared invalid and will not be considered. Following the tender submission deadline, the electronic tender box will be closed. After that moment, it will no longer be possible to submit and/or amend files. The risk of system failures and internet disruptions rests entirely with the tenderer, unless such failures can be demonstrably attributed to TenderNed.

3.3.5 Conditions applicable to the tender submission

The following additional conditions apply to the tender submission:

- All requested information must be included in the tender submission;
- The tender submission must be completed truthfully;
- By submitting a tender, the tenderer agrees to and accepts all provisions set out in this Descriptive Document (including its appendices) and any Memorandum(a) of Information (*Nota('s) van Inlichtingen*). This means that, by submitting a tender, the tenderer confirms that it has no objections to the procurement procedure or the contents of the procurement documents;
- Conditional tenders or tenders containing reservations shall be considered invalid;
- Alternative tenders, other than those expressly permitted in this Descriptive Document, are not allowed;
- The tender shall remain valid for a period of three (3) months following the tender submission deadline. In the event that summary proceedings (*kort geding*) are initiated, the validity period of the tender shall automatically be extended until fourteen (14) calendar days after the court has rendered its judgment;
- If the tender submission contains ambiguities, we may request additional information from the tenderer in writing. Such additional information must be provided in writing, shall form part of the tender submission, and must not constitute a material amendment to the tender.

4. Requirements applicable to the tenderer

We will assess your tender submission against the exclusion grounds and selection criteria set out in the sections below. In addition, we impose rules, requirements, and conditions regarding consortium and joint venture arrangements, subcontractors, reliance on the financial standing and/or technical capacities of third parties, and participation through a holding company structure. The legal basis for these requirements is the Dutch Public Procurement Act 2012 (Aw 2012).

For this purpose, you are required to complete, duly sign, and submit the European Single Procurement Document (ESPD) (Appendix 1). Failure to include the ESPD with your tender submission will result in exclusion from further participation in the procurement procedure.

4.1 Exclusion grounds

Article 2.86 of the Dutch Public Procurement Act 2012 (Aw 2012) sets out the circumstances under which a tenderer may be excluded from participation. These mandatory exclusion grounds apply to this procurement procedure.

In addition to the mandatory exclusion grounds, discretionary exclusion grounds also apply to this procurement procedure. Reference is made to Part III.C of the ESPD for these grounds.

By duly signing the European Single Procurement Document (ESPD), the tenderer declares that the indicated mandatory and discretionary exclusion grounds do not apply to it. The Contracting Authority reserves the right, and may prior to final contract award be required, to verify the accuracy of these declarations. Upon request by the Municipality, the tenderer must provide the supporting evidence referred to in Article 2.89 of the Dutch Public Procurement Act 2012 (Aw 2012). If the contents of such evidence do not correspond to the declarations made in the ESPD, the tenderer shall be excluded from the procurement procedure.

If one or more exclusion grounds apply to a tenderer, the tender shall be rejected and the tenderer shall be excluded from the procurement procedure in accordance with Articles 2.86 and 2.87 of the Dutch Public Procurement Act 2012 (Aw 2012).

Following notification of the provisional award decision, we may request the relevant tenderer to submit the supporting evidence referred to in Article 2.89 of the Dutch Public Procurement Act 2012 (Aw 2012) within a period of ten (10) calendar days.

You may demonstrate that the mandatory exclusion grounds relating to final criminal convictions or decisions for infringements of competition law do not apply to you by submitting a Certificate of Conduct for Public Procurement (*Gedragsverklaring Aanbesteden*). If the country in which you are established does not issue the required supporting documents, a sworn statement or a solemn declaration shall suffice, provided that it is made before a competent judicial or administrative authority, a notary, or a competent professional body in the country of origin or establishment.

Failure to provide the requested supporting documents within the prescribed period shall result in your immediate exclusion from participation in this procurement procedure. In such case, we will revise the provisional award decision accordingly.

ESPD exclusion ground evidence	To be obtained from:
Extract from the Trade Register, issued no more than **six (6) months** prior to the date of submission of the tender, OR a recent extract from the national trade or business register of the country in which the tenderer is established (or an equivalent declaration or proof of registration in a professional or trade register), issued no more than six (6) months prior to the date of submission of the tender.	Chamber of Commerce or another professional or business register
Certificate of Conduct for Public Procurement (GVA - *Gedragsverklaring Aanbesteden*), issued no more than two (2) years prior to the date of submission of the tender, OR in the case of a foreign undertaking, an equivalent document issued by a competent authority in the country of establishment, issued no more than two (2) years prior to the date of submission of the tender.	Justis - Application for a GVA OR the competent authority in the country of establishment (accepted documents can be verified via the European e-Certis database).
Statement from the tax authorities regarding compliance with tax obligations, issued no more than six (6) months prior to the date of submission of the tender, OR a statement issued by the competent tax authority, a tax declaration, tax certificate, or Tax Clearance Certificate issued by the national tax authority, demonstrating that the tenderer has fulfilled its tax obligations, or an equivalent document issued in the country of establishment, provided that such document is no more than six (6) months old at the time of submission of the tender.	Dutch Tax Administration OR the competent tax authority in the country of establishment (accepted documents can be verified via the European e-Certis database)

Apply for the supporting documents from the relevant authorities in good time, as processing and delivery times may be lengthy.

4.2 International Sanctions

The United Nations (UN) and the European Union (EU) impose international sanctions on countries, organisations, companies, and individuals. These sanctions are imposed to promote peace, international security, human rights, compliance with international law, democracy, and the rule of law. The Municipality of ’s-Hertogenbosch complies with sanctions imposed by the European Union and/or the Netherlands.

In particular, we shall exclude a candidate or tenderer from further participation if there is Russian involvement within the meaning of Article 5k (duodecies) of Council Regulation (EU) No 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) 2022/578 of 8 April 2022. The tenderer must demonstrate the absence of Russian involvement by completing and duly signing the declaration included as Appendix 8.

4.3 Other exclusion grounds

By duly signing the European Single Procurement Document (ESPD), the tenderer declares that the indicated exclusion grounds do not apply to the tenderer.
Following notification of the provisional award decision by the Municipality, the provisionally successful tenderer shall be requested to submit the relevant supporting evidence within a period of ten (10) calendar days.

4.4 Suitability requirements

If you are able to declare that none of the exclusion grounds apply to your organisation, the selection criteria will be used to determine whether your organisation is suitable to perform the contract.
You must satisfy the following selection criteria:

- Financial and economic standing
- Professional liability insurance
- Technical and professional ability
- Core competencies
- Quality assurance

4.5 Professional liability insurance

It is important to the Municipality that the tenderer is adequately insured against professional risks. The tenderer must therefore demonstrate, at the time of contract award, that it maintains an adequate Professional Liability Insurance policy providing coverage up to at least the limits specified below.

The Contractor's liability for damages arising under the Agreement shall be limited, per event, to an amount equal to three (3) times the contract value, subject to a maximum of EUR 2,500,000 per event and EUR 5,000,000 per year. Related events shall be deemed to constitute a single (1) event.

4.6 Technical and professional ability

Where the tenderer can declare that none of the exclusion grounds apply to its organisation, the Contracting Authority will assess, by means of the selection criteria, whether the tenderer is suitable to perform the contract.

This assessment will be based on:

- Technical ability;
- Professional ability.

The criterion referred to above is further elaborated in the section below, which also describes how you can demonstrate that you are suitably qualified and capable of performing the services required under the contract.

4.6.1 Technical ability

We would like to be informed about your organisation's level of expertise and experience in the field of e-depot solutions. Therefore, you are requested to provide a reference project that demonstrates the

required quality and implementation of the e-depot solution. In the reference statement, the tenderer must provide a detailed description of:

- The available functionalities and services for sustainable storage, validation and control processes during archival ingestion, functionalities for managing and preserving archives, capabilities for uploading, managing, and consulting archival records, user support, and the dissemination of information (including search functions, views, and reproductions);
- Roles and responsibilities;
- Achieved results and/or objectives.

These core competencies must be demonstrated by means of project references that meet the following requirements:

- The reference statement template provided in Appendix 7 must be used;
- The references must either still be ongoing or have been completed after 1 November 2023;
- A single reference may demonstrate multiple or all core competencies. In such cases, the submission of that single reference shall be sufficient for the relevant core competencies;
- It is not permitted to submit more than one (1) reference per core competency.

The Municipality reserves the right, without the involvement of the tenderer, to contact the contracting authorities associated with the submitted references in order to verify the accuracy of the information, data, and supporting documents provided. If the information provided by the referees does not correspond with the information declared by the tenderer, the tenderer may be excluded from the procurement procedure.

4.6.2 Professional ability

The tenderer must possess sufficient expertise, knowledge, and skills to perform the contract efficiently and professionally. As evidence, the intended Contractor must provide the Contracting Authority with copies of the relevant certifications.

If the tenderer does not hold the required certificates but possesses an equivalent certification or quality assurance system, the tenderer must indicate this in its tender submission and explain why the certification or quality assurance system should be considered equivalent. The Contracting Authority must be able to determine from the explanation that the relevant certification or quality assurance system is indeed equivalent. The tenderer must provide appropriate evidence of such equivalence as part of its tender submission.

The tenderer must, at a minimum, have the following personnel and/or certifications:

<u>Quality management</u>
Your organisation shall maintain a documented and certified Quality Management System (ISO 9001 or an equivalent standard), which is periodically audited by an accredited certification body. The provisionally successful tenderer shall, upon request, provide a copy of the relevant certificate.

<u>Information security</u>
Your organisation shall maintain a documented and certified Information Security Management System (ISO 27001 or an equivalent standard), which is periodically audited by an accredited certification body. The provisionally successful tenderer shall be required to provide a copy of the relevant certification. In addition, the tenderer must possess a valid CoreTrustSeal certification or demonstrate a concrete and credible plan to obtain such certification.

Reference architecture
Your organisation shall have implemented and documented the Open Archival Information System (OAIS) Reference Model (ISO 14721), which is widely recognised as the most appropriate reference model for digital archiving and the long-term preservation and accessibility of digital information.
The provisionally successful tenderer shall, upon request, provide evidence demonstrating compliance with the OAIS Reference Model (ISO 14721).

Archival and Information Management Standards
Your organisation holds a documented and certified compliance with NEN-ISO 15489, or adheres to a recognised guideline such as DUTO and the KIDO guideline (AIDO). This compliance is aimed at records management.

4.7 Method of Tendering

A tenderer may be involved in only one tender submission in this procurement procedure, either as:
- an (independent) tenderer and principal contractor;
- a subcontractor; or
- a member of a consortium or joint venture (combination member).

In accordance with this rule, where multiple tender submissions involve the same tenderer in violation of the above, all tender submissions submitted by or involving that tenderer shall be rejected and excluded from further participation in the procurement procedure.

4.8 Consortiums and joint ventures

Economic operators may form a consortium or joint venture for the performance of this contract and submit a joint tender. The consortium shall appoint a lead member (*penvoerder*) who will act as the consortium's contact person throughout the procurement procedure. Each member of the consortium must submit a separate European Single Procurement Document (ESPD), in which all participating members accept joint and several liability for the fulfilment of the obligations arising from the contract. It is not permitted to change the composition of the consortium during the period between the submission of the tender and the final award of the contract. Should such a change occur, the consortium shall be immediately excluded from further participation in this procurement procedure.

4.9 Use of subcontractors

4.9.1 Reliance on the capacity and/or capabilities of third parties

Where a tender is submitted with the involvement of a subcontractor and the tenderer relies on the subcontractor's financial standing or technical capabilities, the following provisions shall apply:
- Upon submission of the tender, the tenderer must indicate in the European Single Procurement Document (ESPD), Part II.C, which subcontractor(s) or other third party(ies) it intends to rely upon. Each subcontractor or third party must also submit a separate ESPD.
- For subcontractors whose capacities are relied upon to satisfy the selection criteria, a completed and duly signed ESPD must be included in the tender submission.
- Where the Municipality intends to award the contract to the tenderer concerned, the tenderer must demonstrate that, during the performance of the contract, it will actually have access to the subcontractor(s), third party(ies), and their respective resources and capacities.

4.9.2 Without reliance on the financial standing and/or capabilities of a third party

If you decide to engage a subcontractor without relying on that subcontractor's financial standing and/or technical or professional capabilities, you are also required to explicitly indicate this in the European Single Procurement Document (ESPD). For each subcontractor involved, please provide the relevant information (including, where available, the company name and registration number in the Chamber of Commerce or equivalent register) in Part II.D of the ESPD.

4.9.3 Tender submission by companies within a holding structure

Multiple companies belonging to the same corporate group may submit tenders as tenderers (whether independently, as principal contractor and subcontractor, and/or as members of a consortium), provided that, upon request by the Municipality, they can demonstrate conclusively that their tender submissions have been prepared independently from those of the other tenderers (including tenderers belonging to the same corporate group) and that confidentiality has been maintained throughout the process. If one or more of the relevant tenderers are unable to provide such evidence, all tenderers belonging to the same corporate group shall be excluded from the procurement procedure.

Companies are deemed to belong to the same corporate group if they:

a) are affiliated with one another within the meaning of Section 24a, Book 2 of the Dutch Civil Code;
b) form part of the same group within the meaning of Section 24b, Book 2 of the Dutch Civil Code;
c) are affiliated through legal structures under foreign law that are comparable to those referred to under a) or b).

Upon request by the Municipality, the tenderer must provide:

1. An organisational chart clearly showing the corporate group relationships of the tenderer.
2. A description of no more than one A4 page, explaining how the relationship between the companies belonging to the same corporate group is or will be organised in such a way that the independence and confidentiality of the preparation of the tender submission are safeguarded, as referred to above.

5. Award methodology

After it has been established from the tender submission that no exclusion grounds apply and, where applicable, that the tenderer satisfies the prescribed selection criteria and complies with the requirements set out in this Descriptive Document, the tender submission will be further evaluated. The evaluation will be based on the Most Economically Advantageous Tender (MEAT), determined on the basis of the best price-quality ratio.
A form of phased evaluation of the award criteria will be applied. An initial selection will first take place within the award phase. The ranking will be determined on the basis of the award criteria set out below. Only the top three (3) tenderers will be evaluated against Quality Criterion 8: Demonstration.

Ranking of tenderers based on a **points system**
The following award criteria and weightings shall be applied:

Award Criterion	Maximum Points Available
Ac: price	25
Qc 1: pre-ingest process	5
Qc 2: management functionalities	10
Qc 3: information access and retrieval	15
Qc 4: file transfer and migration	10
Qc 5: workflows	10
Qc 6: web archiving	10
Qc 7: preservation policy and active preservation	15
Total	**100**

The following sections provide a detailed description of these award criteria.

5.1 Award criterion: price

Tenderers shall submit their tender price for the performance of this contract in accordance with the Pricing Schedule. The tender price shall consist of the following components, with the annual costs being multiplied by three (3) to reflect the initial three-year period:

- SaaS e-depot base subscription, including 40 TB of storage (recurring);
- Additional storage capacity (above the contracted volume) (recurring);
- Licence fees per 25 users per year (recurring);
- Hourly rate for technical management, data connectivity, hosting and housing services (to be charged on a time-and-materials basis);
- Hourly rate for implementation and migration support (one-off).

In addition to the Pricing Schedule, a detailed breakdown of the tender price must also be submitted. The tender price stated in the tender must be traceable to and supported by this breakdown.
In the event of any discrepancy between the Pricing Schedule and the detailed breakdown, the Pricing Schedule shall prevail.

Tender prices that are submitted subject to conditions or that fall outside the specified range shall be declared invalid, resulting in exclusion of the tender from further participation in the procurement procedure.

The linear scoring method is explained below by means of a calculation example. The tender price will be converted into points in accordance with the following formula:

number of points awarded = (lowest tender price / tender price) × 25 points

5.1.1 Example of the Price Criterion Score Calculation

The following example illustrates the calculation using fictitious amounts:

Tenderer A	
Component	**Price**
SaaS e-depot base subscription, including 40 TB of storage	€30,000 per year
Additional storage (above the contracted volume)	€300 per year
Licence fee per 25 users per year	€6,250 per year (€250 per user)
Technical management / hosting / data connectivity (charged on a time-and-materials basis)	€120 per hour
Total recurring costs	€36,670
One-off implementation and migration support (based on the fictional quantity of 250 hours)	€31,250
Total recurring and one-off cost per year	€67,920
Total recurring costs and one-off costs over the initial contract period of three (3) years	**€203,760**

The lowest tender price has been submitted by Tenderer B and amounts to €185,880. The number of points awarded to Tenderer A is therefore:

(185,880 / 203,760) × 25 = 22.81

The score (i.e. the total number of points awarded for the price criterion) shall be rounded to two decimal places.

5.2 Award criteria: quality

For each quality award criterion, the tenderer shall submit a description of no more than two (2) A4 pages per quality criterion. The description is exclusive of supporting materials such as diagrams, illustrations, CVs, and similar documents. Such supporting materials may be submitted together with the tender, subject to a maximum of one (1) A3 page.

If your plan of approach exceeds the permitted number of pages, the additional pages will be disregarded and will not be evaluated. In general, a concise and focused description is more easily read and understood than an extensive one. Tenderers are therefore encouraged to focus in particular on those aspects that distinguish their proposed solution from those of other tenderers.

5.3 Quality criterion 1: pre-ingest process

Pre-ingest refers to the preparation and validation of digital objects prior to their ingestion into the archival management system. Describe how this process is carried out, including: whether multiple software applications are required; which building blocks, standards, and guidelines are required to enable the electronic exchange of data between systems; and the extent to which the proposed solution is platform-independent and system-independent.
The tenderer is requested to provide a description, addressing at least the following aspects:

1. Downloading or migrating digital information from source systems;
2. Placing digital information into the required archival structure;
3. Performing checks on the presence of required metadata in accordance with a specified metadata standard (e.g. MDTO);
4. Adding or modifying metadata using specified metadata standards (e.g. MDTO);
5. Performing checks for corrupted files, protected files, and/or invalid links;
6. Identifying preferred, accepted, and non-accepted file formats;
7. Converting non-accepted file formats into preferred formats;
8. Producing reports on the actions described above.

Assessment of Pre-Ingest Process

The tender submission will be assessed on the extent to which the tenderer demonstrates control of the pre-ingest phase, the degree to which the proposed approach is reproducible and risk-based, and the extent to which it is aligned with archival and e-depot requirements.
The assessment will take into account the following aspects:

- **Completeness of the process (**(Have all relevant process steps been described? Is it clear what occurs from the moment of transfer up to the actual ingest? Are controls, validations, and feedback mechanisms described?)
- **Quality assurance** (How is the quality of metadata, files, and records ensured? Which validation mechanisms are applied? How are errors and corrective actions handled?)
- **Roles and responsibilities** (Is it clear who is responsible for which activities? Is the division of responsibilities between the Contracting Authority and the Contractor clearly defined?)
- **Risk management** (Are risks identified and mitigated? How is the ingestion of incomplete or inaccurate information prevented?)
- **Practical feasibility** (Is the process concrete, realistic, and implementable? Are examples, working arrangements, and supporting tools provided?)
- **Automation and efficiency** (How are human errors reduced? How is scalability ensured?)
- **Compliance with archival legislation and standards** (Does the proposed approach comply with relevant laws, standards, and best practices? Are metadata models, file formats, and quality requirements adequately safeguarded?)

5.4 Quality criterion 2: management functionalities

For the management functionalities listed below, the Municipality requests the tenderer to indicate whether the functionality is available and forms part of the proposed solution (i.e. available out of the box and provided without additional cost). In addition, the tenderer shall describe the capabilities offered by these functionalities and explain how they are integrated into the solution.

1. Exporting and importing metadata using .xml and/or .csv and/or .xls/.xlsx formats. The preferred format is .xml.
2. The ability to perform actions simultaneously in different browser windows and sessions using the same user account.
3. An overview of authorisations and permissions for both the Contracting Authority and the Contractor.
4. The ability to independently create customised generic reports and make them available to users.

Assessment of management functionalities

The submission will be evaluated on the extent to which the functionalities of the solution are user-friendly, manageable, secure, auditable, and efficient. The following aspects will be taken into consideration:

- **Ease of use for administrators** (How easy are the functionalities to use? Is the user interface intuitive? Can tasks be performed without specialist technical knowledge?)

- **Completeness of functionality** (Which export and import options are available? Which authorisation overviews can be generated? Which standard and customised reports can be produced?)
- **Auditability and transparency** (Can administrators verify what actions have been performed? Are logging facilities and audit trails available? Are results traceable and reproducible?)
- **Security and authorisation management** (How are access rights managed and controlled? Are exports restricted to authorised users? How are changes to roles and permissions recorded?)
- **Flexibility** (Can data be filtered and selected? Are reports configurable? Can exports be generated in multiple formats?)
- **Efficiency and automation** (Are bulk-processing functionalities available? Can reports be generated automatically? Can periodic reports be scheduled?)

Support for audits and compliance (Do the functionalities support internal and external audits? Can clear insight be provided into authorisations, changes, and system usage?)
The tenderer shall provide its response in **no more than two (2) A4 pages**.

5.5 Quality criterion 3: information access and retrieval

The tenderer shall provide a description of the proposed approach to the access and retrieval of information. The description is exclusive of supporting materials such as diagrams, illustrations, CVs, and similar documents. Such supporting materials may be submitted together with the tender.
For the functionalities listed below, the Municipality requests the tenderer to indicate the extent to which they are supported by the proposed solution:

1. Simple and user-friendly searching within metadata through the selection of standardised keywords from a list or index;
2. The ability to designate metadata fields on which users can search, sort, and filter, including MDTO and other required metadata schemas;
3. Full-text search functionality;
4. The ability to display information objects in alternative file formats (preferably the most commonly used formats) for viewing purposes.

<u>Assessment of Information Access and Retrieval</u>
The submission will be assessed on the extent to which information access and retrieval is effective, user-friendly, accurate, and efficient. For an e-depot, information access is at the heart of long-term accessibility. A storage solution that is difficult to search and navigate provides limited practical value. The following aspects will be taken into consideration:

- **User-friendliness** (the number of steps required to perform a search; the clarity of navigation and search interfaces; the availability of search suggestions and auto-completion; the usability of facets and filters; the clarity and relevance of the presentation of search results)
- **Searching using standardised keywords** (the extent to which keywords are organised hierarchically; **t**he manner in which users can navigate through keyword structures**);**
- **Searching, filtering, and sorting using metadata** (which MDTO elements are searchable; whether administrators can independently make metadata fields available for searching; whether the solution fully supports MDTO**)**
- **Full-text search** (which file formats are indexed; the speed and accuracy of search results; whether search terms can be located within the content of documents)
- **Presentation of search results** (how search results are displayed; whether users can refine and further filter results)
- **Display in alternative file formats** (which file types can be viewed directly within the solution; whether additional software is required to view alternative file formats)
- **Performance and scalability** (whether search performance remains fast when managing large archival collections; how indexing is performed and maintained)

- **Authorisations and security** (whether search results are filtered based on access rights; whether users can only access information for which they have been granted authorisation)
- **Future-proofing and configurability** (whether new metadata fields can be added; whhether search interfaces can be modified without custom development)

5.6 Quality criterion 4: migration of files from the current e-depot to the new e-depot

The Municipality requires the tenderer to describe how files will be migrated from the current e-depot to the new e-depot.
During the verification phase, the tenderer must demonstrate, by means of a proof of concept, how 10,000 files can be migrated error-free from the current e-depot to the proposed new e-depot.
Should the migration process fail to proceed in the manner described in the tenderer's response to this award criterion (for example, if the migration process does not run smoothly or is not properly organised), the agreement with the awarded tenderer shall be terminated, after which the provisional contract award shall be offered to the tenderer placed second in the ranking.
The tenderer is requested to provide a description, addressing at least the following aspects:

1. The execution of the actual migration process, including the software and/or hardware used, as well as the connections and interfaces involved;
2. The individual process steps and how these are carried out efficiently;
3. Which controls and validation activities are performed and at what stage of the process;
4. How any errors are identified, managed, and corrected;
5. The factors that determine the estimated duration of a migration involving 40 TB of data and the extent to which these factors affect the migration process.

<u>Assessment of the migration of files from the current e-depot to the new e-depot</u>
The submission will be assessed on the extent to which it demonstrates that the migration can be carried out in a controlled, demonstrably complete, efficient, secure, and predictable manner. The highest-scoring submissions will not only describe the migration process itself but will also demonstrate how risks are managed and how the Municipality retains control over progress and quality throughout the migration.
The assessment will take into account the following aspects:

- Completeness and level of detail of the migration process
- Technical feasibility
- Efficiency of the migration process
- Preservation of metadata
- Verification of completeness
- Integrity and authenticity
- Quality controls during the migration process

5.7 Quality criterion 5: workflows

The tenderer shall describe how ingest workflows are executed within the e-depot application. The description should explain how the process is carried out, whether multiple software applications are required, which building blocks, standards, and guidelines are necessary, and the extent to which the solution supports the use of external tools.
The tenderer is requested to provide a description, addressing at least the following aspects:

1. How many user accounts can be logged in simultaneously and perform administrative activities at the same time?
2. How many workflows relating to ingest, preservation, and management can be initiated and executed concurrently, and what impact does this have on system performance?
3. Is it possible to execute scripts generated by external tools within the management environment and, if so, what requirements must such scripts satisfy?

4. The extent to which the solution is platform-independent and system-independent when initiating and executing workflows using external tools.

Assessment of Workflows

The submission will be assessed on the extent to which it demonstrates the scalability, performance, interoperability, and manageability of the e-depot solution. The Municipality seeks to gain insight into the extent to which the proposed solution can support multiple processes simultaneously without adversely affecting performance, reliability, or manageability.
The following aspects will be taken into consideration:

- Concurrent execution of ingest workflows
- Capacity and scalability
- Impact on system performance
- Architecture and required software
- Platform and system independence
- Interoperability and data exchange capabilities
- Concurrent users and administrative accounts
- Simultaneous execution of management, ingest, and preservation processes
- Monitoring and administration
- Support for scripts within the management environment
- Security and continuity

5.8 Quality criterion 6: web archiving

The tenderer shall provide, in a clear and readable format and in no more than two (2) A4 pages (excluding supporting materials such as diagrams, illustrations, CVs, etc.), a description of how multiple websites can be automatically archived by the e-depot application at specified intervals (daily, weekly, monthly, or annually), stored as WARC or WACZ files, and subsequently made available for presentation and access. The tenderer shall describe how this process is carried out, whether multiple software applications are required, which building blocks, standards, and guidelines are needed to enable the electronic exchange of data between systems, and the extent to which the proposed solution is platform-independent and system-independent.

The tenderer is requested to provide a description addressing at least the following aspects:

1. The execution of the actual web archiving process, including the process steps, software used, and connections/interfaces involved;
2. The extent to which the various elements of websites can be captured and archived;
3. The methods used to detect, manage, and recover from errors during the archiving process;
4. The manner in which web archive files are stored and made available for access and presentation.

Assessment of Web Archiving

The submission will be assessed on the extent to which the proposed web archiving solution ensures that web content is captured in a **complete, reliable, reproducible, and sustainably accessible** manner. Web archiving is inherently more complex than the storage of conventional documents, as websites typically consist of a range of interconnected elements, including HTML pages, images, videos, stylesheets, scripts, databases, and external resources.

The following aspects will be taken into consideration:

- Completeness of the archiving approach
- Execution of the archiving process
- Software and tools used
- Connections and technical architecture
- Capture of different website elements

- Accuracy and faithful reproduction of the website
- Quality controls
- Error detection and recovery
- Storage of web archives
- Long-term accessibility and preservation
- Availability and access for consultation
- Metadata and discoverability
- Scalability
- Compliance with applicable standards

5.9 Quality criterion 7: preservation policy and active preservation

The tenderer shall provide, in a clear and readable format and in no more than two (2) A4 pages (excluding supporting materials such as diagrams, illustrations, CVs, etc.), a description of how the preservation policy is implemented and managed within the system and how active preservation of digital files is carried out. For the purpose of this award criterion, active preservation means the identification of files that do not, or no longer, comply with a defined list of preferred or accepted file formats, the suggestion of alternative formats, and, following approval by the administrator, the conversion of such files into those alternative formats.
The tenderer shall describe how this process is carried out, whether multiple software applications are required, which building blocks, standards, and guidelines are needed to enable the electronic exchange of data between systems, and the extent to which the proposed solution is platform-independent and system-independent.

1. Virus and corrupted file checks during ingest
2. Validation of file formats, including files with incorrect or misleading file extensions
3. Fixity checking
4. Availability of preservation strategies within the application
5. Planned preservation actions through format conversion based on the selected preservation strategy
6. Controls and validation mechanisms to verify the correct execution of preservation actions

<u>Assessment of Preservation Policy and Active Preservation</u>
The submission will be assessed on the extent to which the proposed e-depot solution provides a demonstrably mature, future-proof, and manageable approach to digital preservation. The preservation policy and active preservation capabilities form the core of an e-depot. A supplier must not only be able to store digital information, but also demonstrate that such information will remain authentic, reliable, intact, readable, and usable after 10, 20, or even 50 years.
The following aspects will be taken into consideration:

- Preservation policy configuration and governance
- Active preservation capabilities
- Support for OAIS principles
- Capture and management of preservation metadata
- Software and tools used
- Integrity and authenticity safeguards
- Building blocks and standards for data exchange
- Platform and system independence
- Automation and manageability
- Monitoring and reporting
- Error handling and recovery procedures

5.10 FOR THE TOP 3 RANKED TENDERERS ONLY: Quality criterion 8 - demonstration

Only the top three (3) tenderers, ranked on the basis of the best price-quality ratio, will be invited to participate in the assessment of Quality Criterion 8: Demonstration.

Detailed information regarding the use cases for the demonstration will be provided to all tenderers on 8 January 2027.

Quality Criterion 8 consists of a demonstration, based on the use cases, which will take place after the written tenders have been evaluated. The tenderers ranked in the top three will be invited to demonstrate the proposed e-depot solution. Tenderers who are not invited to participate in the demonstration will be notified accordingly on 15 January 2027 and will thereby be excluded from further participation in the procurement procedure. The demonstrations will be conducted on 19, 21, 25 and/or 26 January 2027.

Tenderers may not charge any costs to the Municipality for participating in the demonstration.
A maximum of 75 points can be awarded for the demonstration. The maximum number of points that can be obtained for each use case is as follows:

Use Case	Subject	Maximum points available
1	Pre-Ingest Process	5
2	Management Functionalities	10
3	Information Access and Retrieval	20
4	Workflows	10
5	Web Archiving	10
6	Active Preservation	20
Total:		**75**

Each use case will be assessed as follows:

Assessment Framework	Percentage of Maximum Points Available
Excellent – The functionality and usability fully meet the expectations of the Contracting Authority. All requested aspects have been addressed. The solution includes additional innovative functionality that demonstrates its future-proof nature.	100
Good – The functionality and usability fully meet the expectations of the Contracting Authority. The solution provides clear added value.	80
Satisfactory – The functionality and usability fully meet the expectations of the Contracting Authority. All requested aspects have been addressed.	50
Unsatisfactory – The functionality and usability partially meet the expectations of the Contracting Authority. Not all requested aspects have been addressed.	30
Not Demonstrated – The functionality and usability do not meet the expectations of the Contracting Authority. None of the requested aspects have been addressed.	0

The final score of the top three (3) tenderers shall be determined by assigning a weighting of 75% to the demonstration (taking into account the different weightings of the individual use cases) and a weighting of 25% to the price criterion.
The tenderer achieving the highest total score, rounded to two decimal places, shall be provisionally awarded the contract.

5.11 Assessment of Quality Criteria 1 to 7

The award criteria shall be evaluated in accordance with the evaluation table set out below.
For the assessment of the quality criteria, the scores shown below will be used to express the extent to which each tender submission satisfies the requirements and expectations of the Contracting Authority, as determined by the evaluation committee.

Assessment Framework	Percentage of maximum points available
Excellent, meaning that the tenderer: • has addressed all requested elements in a strong and highly convincing manner, supported by robust substantiation; • demonstrates a positively distinctive approach in one or more areas, providing added value and differentiating the tenderer's methodology from that of other tenderers; • inspires complete confidence in the successful collaboration and execution of the contract.	100
Good, meaning that: • all requested elements have been described in a satisfactory manner and have been assessed as appropriate; • the tenderer provides sufficient confidence in the successful collaboration and execution of the contract.	75
Satisfactory, meaning that: • all requested elements have been addressed; however, one or more elements have been described in an insufficient or unconvincing manner, resulting in the response being assessed overall as reasonably appropriate (without added value); • the tenderer provides a reasonable level of confidence in the successful collaboration and execution of the contract.	50
Unsatisfactory, meaning that: • not all requested elements have been addressed, or several elements have been described in an insufficient or unconvincing manner, resulting in the response being assessed overall as inappropriate (without added value); • the tenderer does not provide confidence in the successful collaboration and execution of the contract.	0

5.12 Evaluation

The evaluation shall be carried out by the Evaluation Committee. Each member of the Evaluation Committee shall first assess each tender individually. Subsequently, a plenary session involving all

members of the Evaluation Committee shall be held to review and discuss the scoring results. The final score for each criterion shall be determined in accordance with the consensus evaluation method, whereby the Evaluation Committee acts as a single body and reaches one collective assessment for each criterion. The prices shall only be disclosed to the Evaluation Committee after the consensus evaluation of the quality criteria has been completed.

5.13 Tie-Breaking procedure

If two or more tenderers achieve the same ranking, the highest total score for Quality Criterion 3: Information Access and Retrieval shall determine the award of the contract. If the scores for this criterion are also equal, the highest total score for Quality Criterion 7: Preservation Policy and Active Preservation shall determine the award of the contract. If a tie still remains, the contract shall be awarded by drawing lots. The tenderers concerned shall be notified in due time that a non-public draw will take place, as well as where and when it will be held and by whom the draw will be conducted.

6. Legal Framework

The following sections set out and explain a number of legal provisions applicable to this procurement procedure. Tenderers are expected to review these provisions carefully before submitting a tender. By submitting a tender, the tenderer unconditionally accepts and agrees to these terms and provisions.

6.1 Complaints regarding the procurement procedure

If you have a complaint regarding this procurement procedure, you may make use of the digital complaints form available on our website. Please visit the following page:
Procurement Procedures - Municipality of 's-Hertogenbosch
Any complaint submitted in a timely manner will be dealt with before the tender submission deadline. If this proves impossible, the tender submission deadline will be extended accordingly.

6.2 Legal remedies

With regard to the invitation to tender and the memorandum of information

a. If the tenderer considers that the Invitation to Tender or the Memorandum of Information is contrary to the **fundamental principles** of public procurement law, the tenderer must have raised questions and/or comments regarding this during the clarification phase prior to the tender submission deadline.
b. If the tenderer considers that the wording of the questions and/or the available response options may give rise to **differences in interpretation**, the tenderer is expected to raise this during the clarification phase so that clarification can be provided in the Memorandum of Information. If the tenderer identifies **errors** in the Invitation to Tender, or perceives any impediment or opportunities for improvement in relation to the requirements set out therein, the tenderer must have raised questions and/or comments regarding such matters during the clarification phase prior to the tender submission deadline. By not requesting written clarification, the tenderer shall be deemed to consider the Invitation to Tender sufficiently detailed and adequate.

   Failing to do so shall result in forfeiture of the tenderer's rights following the provisional award decision.[1]

With regard to the tender submission

a. If the tender submission contains ambiguities, the Contracting Authority may request additional information from the tenderer in writing. Such additional information must be provided in writing, shall form part of the tender submission, and must not constitute a material amendment to the tender submission.

6.3 Standstill period

For a period of at least twenty (20) calendar days following the dispatch of the provisional award decision, we shall not implement that decision and shall not proceed to sign the agreement. This period is intended to provide tenderers with the opportunity to initiate summary proceedings (preliminary relief proceedings) against the provisional award decision.
To do so, the tenderer must arrange for a writ of summons to be served on the Municipality at its official address. The aforementioned period of at least twenty (20) calendar days constitutes a time bar period (*vervaltermijn*). Any right to challenge the provisional award decision shall lapse if proceedings are not initiated within this period.
If the Municipality decides to cancel the procurement procedure, a standstill period of at least twenty (20) calendar days shall likewise apply. This period shall also constitute a time bar period.

[1] Grossmann-arrest C-230/02

A tenderer may also initiate proceedings on the merits. If the tenderer wishes to initiate proceedings on the merits, such proceedings must be commenced within ninety (90) days of the date of the award decision, failing which the claim shall be inadmissible. However, where the dispute arises from circumstances occurring after the expiry of that period, the ninety (90) day period shall commence on the date on which the relevant circumstance arose.

6.4 Court of competent jurisdiction

Dutch law shall govern this procurement procedure.
Any disputes arising in connection with this procurement procedure shall be submitted to the competent court (including the preliminary relief judge, where applicable) of the District Court of East Brabant (Rechtbank Oost-Brabant) in ’s-Hertogenbosch.

6.5 Deferral of contract award and execution of the agreement

If one or more tenderers initiate summary proceedings (preliminary relief proceedings) before the expiry of the standstill period of at least twenty (20) calendar days, the Municipality shall, in principle, await the outcome of those proceedings before taking any further steps to implement the award decision or proceed with the execution of the agreement, unless overriding public interests require the contract to be awarded without delay.

Appendix 8: Declaration of Absence of Russian Involvement

I hereby declare, on my honor and conscience, that there is no Russian involvement in the performance of the contract ……, which is being tendered under reference number ……, and which exceeds the thresholds set out in Article 5k of Council Regulation (EU) No 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) 2022/578 of 8 April 2022.

I declare in particular that:

a) the contractor I represent (and the companies that form part of our consortium) are not legal or natural persons of Russian nationality, and such persons (natural persons, companies, entities or bodies) are not established in Russia;

b) the contractor I represent (and the companies that form part of our consortium) are not legal entities (established in Russia or any other country) that are more than 50% owned by a Russian party as referred to under (a) above;

c) neither I nor the company I represent is a legal or natural person (established in Russia or any other country) acting on behalf of or at the direction of a Russian party as referred to under (a) and (b);

d) there are no subcontractors, suppliers, or entities whose capacity is relied upon by the contractor I represent and which account for more than 10% of the contract value, where a situation as referred to under (a) through (c) applies.

Tenderer:

……

Authorized Signatory:

……

Position:

……

Date:

……

Signature:

……