

APPENDIX 3

PROCEDURAL REQUIREMENTS, GROUNDS FOR EXCLUSION, SUITABILITY REQUIREMENTS

1 Procedural requirements

Tenders must, under penalty of exclusion, satisfy the following procedural requirements.

1.1 Rules

A variety of different rules will fully apply throughout this tender, which the tenderers will unconditionally conform to by participating with the procedure and, in particular, by submitting a tender. These are shown in the tender documents, including the 'Rules during the tender process' appendix. Only tenders which have been produced and submitted in accordance with the rules included in the tender documents' Information Notices can be taken into consideration.

1.1.1 Period of validity

The tender has, under penalty of exclusion, a validity period of 120 days, or for as long as the negotiation procedure lasts. The tender will need to remain valid for at least 30 days after the preliminary injunction if interlocutory proceedings are initiated.

1.1.2 Complete and timely tender submission

The tender for the first round will need to be submitted in TenderNed no later than the time specified in the planning. Tenderers are responsible for the timely submission and completeness of the tender. Tenders which have been submitted too late will not be accepted and will therefore be excluded from participation.

The municipality is not responsible for errors made by tenderers where the timely and correct submission of information via TenderNed is concerned. Therefore always make sure you consult TenderNed's service desk in case of any doubt. A general failure at TenderNed at the time of, or near, the deadline, means the municipality will reserve the right to move the deadline, providing the tenders have not yet been opened, even if the deadline has passed.

Tenders must be written in the Dutch language and are composed of the documents shown in the tabel below.

Tenderers are not permitted to make changes to tender documents.

1.1.3 Offer letter and legal signature

The tender must be legally signed. As this is a fully digital tender, the number of required (digital) signatures will be limited. The tender must be initiated with a legally signed free format offer letter, prepared by the tenderer, within which:

- The company or companies are briefly introduced.
- Details are provided of the contact people during the implementation of the contract.

The contractor is obliged to use the third parties or subcontractors he has identified in the tender as soon as he wishes to subcontract part of the assignment. The involvement of entities other than the aforementioned will

What?	Model?	Comments
1. Offer letter	Free format	Legally signed
2. Own declaration	In accordance with the appendix	To be completed by the tenderer, participants with the collaboration or third parties which need to be called on must independently submit an Own declaration.
3. Project plan, 1st round	Format, Appendix x	Upload in a pdf file

always require the municipality's prior written consent. The municipality will thereby always reserve the right to exclude any subcontractors from working on the assignment if they were not identified in the tender.

The legal signing of the offer letter will apply to the legal signing of the entire tender, including the Uniform European Tender Document (UETD). The validity of the signature must be evident from the extract(s) of the tender in the national trade register after the contract has been awarded. The signatures may be in the form of a qualified digital signature, or be put on paper, after which the documents in question have been scanned.

1.1.4 Own declaration and further evidence

The attached Own declaration (also: Uniform European Tender Document (UETD)) must be completed by the tenderer and enclosed with the tender. When submitting the Own declaration, the company confirms that everything stated in the Own declaration unconditionally and unreservedly applies to the entire company at the time of the tender. The municipality will see the presence of an Own declaration, filled in by the tenderer, as a minimum requirement.

Part V of the Own declaration is not relevant to this tender. The municipality has filled in or marked everything that's applicable and what needs to be completed in Part I and Part III of the Own declaration. The tenderer will need to complete all other applicable fields.

Please note:

- In case of a collaboration, all participants will need to complete and sign their own copy of the Own declaration, which must be submitted with the tender. They will need to provide details of all combinants and their roles in Part IIA under Method of participation in the Own declaration, including details of which entrepreneur will be in charge of the collaboration (combination) and will be acting as the responsible authorised person ('secretary') on behalf of the collaboration (combination) towards the municipality. The secretary is therefore

the entrepreneur who has been adequately authorised by every combinant to enter into obligations on behalf of the collaboration within the context of this tender, for which all individual collaboration participants will be fully and severally liable to the municipality.

- The tenderer who involves a third party to satisfy the suitability requirements must mark Part IIC of the Own declaration with a 'yes'. The information field included in the Own declaration must provide detailed information regarding which third party will be called upon to satisfy the suitability requirements.
- The tenderer who involves a third party for the implementation of the assignment at the time of the tender submission must mark Part IID with a 'yes' and identify the subcontractors. If a tenderer wants to involve a third party to satisfy the suitability requirements and for the implementation of the assignment, the tenderer must mark both with a 'yes'.
- NB: All third parties must individually submit an Own declaration with the tender with the information requested in Part IIA, IIB and III. When submitting a legally signed Own declaration, the third parties are confirming that the tenderer can have access to all of the third party's required resources. These third parties must also be willing to hand over further evidence, as determined elsewhere in this quotation request, as soon as they are requested to do so by the municipality.

The municipality will only request for other evidence to be submitted after the contract has been awarded, aimed at verifying the information provided in the Own declaration. However, this doesn't take anything away from the fact the municipality can ask tenderers for this at any earlier point in the procedure, if the municipality feels this is necessary for the proper conduct of the proceedings. The municipality must subsequently be in possession of this evidence within 7 calendar days. The tenderer will be excluded from (further) participation with this tender if the contents of this evidence don't correspond with what has been declared.



1.2 Grounds for exclusion

Part III of the Own declaration contains the compulsory and optional grounds for exclusion above the European tender threshold. All compulsory and optional legal grounds for exclusion for tenders above the European thresholds are applicable and displayed under part IIIA, B and C of the Own declaration. The compulsory grounds for exclusion are displayed under Part IIIA and IIIB of the Own declaration, the applicable optional grounds for exclusion have been marked under part IIIC. The municipality has opted not to do business with a tenderer which one of these circumstances is applicable to.

The grounds for exclusion are applicable to all entrepreneurs involved with the tender or the implementation of the assignment, which means they are applicable to every participant with the collaboration and every third party involved by the tenderer.

The tenderer confirms that these specific circumstances are not applicable to the company by filling in Part III and legally signing the Own declaration. The intended contractor must be in a position to hand over the following evidence for the following grounds for exclusion included in the Own declaration immediately after the contract has been awarded.
See the table on the next page.

1.3 Suitability requirements

By filling in and legally signing the Own declaration under Part IV, the tenderer confirms to satisfy the requirements listed below in relation to financial-economic standing, technical and professional competence and the required registration in the trade register or professional register. The tenderer will be excluded from participation if these conditions can't be satisfied. If further evidence needs to be provided with the tender submission, the tenderer will be informed of this with the requirement in question.

1.3.1 Suitability requirements regarding financial-economic standing

1.3.1.1 Corporate liability insurance

Tenderers must be adequately insured against corporate liability and must provide a (copy of a) recent policy document once the contract has been awarded. An original insurance certificate, issued by the insurance company, would also suffice.

The same applies to all possible participants in a tendering collaboration.

The amounts which the tenderers must be insured for are included in the municipality's General Purchasing Conditions.

1.3.2 Suitability requirements regarding technical competence

1.3.2.1 The Dutch language

The tenderer's contact person must have sufficient command of the Dutch language both in speech and in writing when the contract is awarded, in so far as this is relevant to the implementation of the applicable activities and contractual obligations. The same applies in relation to any possible collaborations and subcontractors.

1.3.3 Professional competence: registration in the trade register or professional register

The tenderer and any possible collaboration participants have confirmed in the Own declaration that they are registered in the national trade register. The extract may not be older than 6 months, calculated from the closing date for submitting a tender.

Grounds for exclusion	EV	Further evidence
Grounds relating to criminal convictions	IIIA	A tenderer can use a certificate of conduct, which is less than two years old at the time of submitting the tender, to demonstrate that these grounds for exclusion, for as far as a final judgement or a final decision for infringement of competition rules, are not applicable to him.
Serious professional misconduct	IIIC	
Distortion of competition	IIIC	
Grounds relating to the payment of taxes or social security contributions	IIIB	A tenderer can use a declaration from the tax authorities, which is less than six months old at the time of submitting the tender, to demonstrate that the grounds for exclusion are not applicable to him.
Bankruptcy, insolvency or similar	IIIC	A tenderer can use an extract from the trade register, which is less than six months old at the time of submitting the tender, to demonstrate that the grounds for exclusion are not applicable to him.
Breach of obligations based on environmental, social or labour laws	IIIC	Situational, in the municipality's reasonable opinion. The tenderer will be notified if the municipality has reason to believe this grounds for exclusion is applicable, after which he will be given the opportunity to present his views. The municipality will take this view into consideration when making its decision, mindful of the 2012 Procurement Law.
Conflict of interest	IIIC	
Involved in the preparation	IIIC	
Past performances	IIIC	
False declaration	IIIC	
Unlawful influence	IIIC	