

# Public Procurement in the Netherlands



Luxembourg, 19-10-2016  
Wendy Bak, Noesis

## Wendy Bak

- Owner Noesis inkoop consultancy
- Specialized in European Tendering

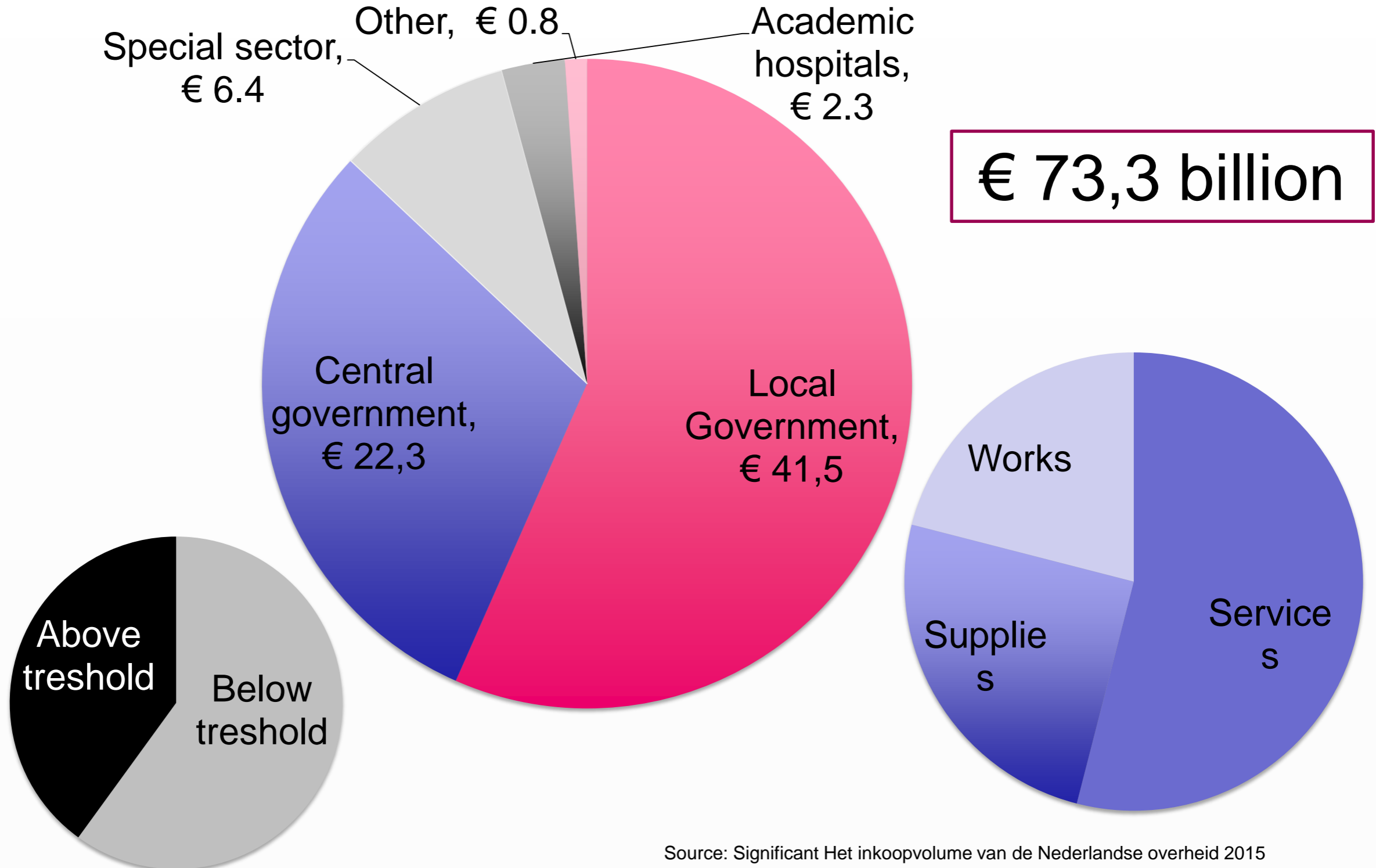
**Noesis**  
■ inkoop consultancy ■

☎ 06-14 69 11 35 @ wbak@noesis.nl 🌐 www.noesis.nl  
KvK nr. 17231308

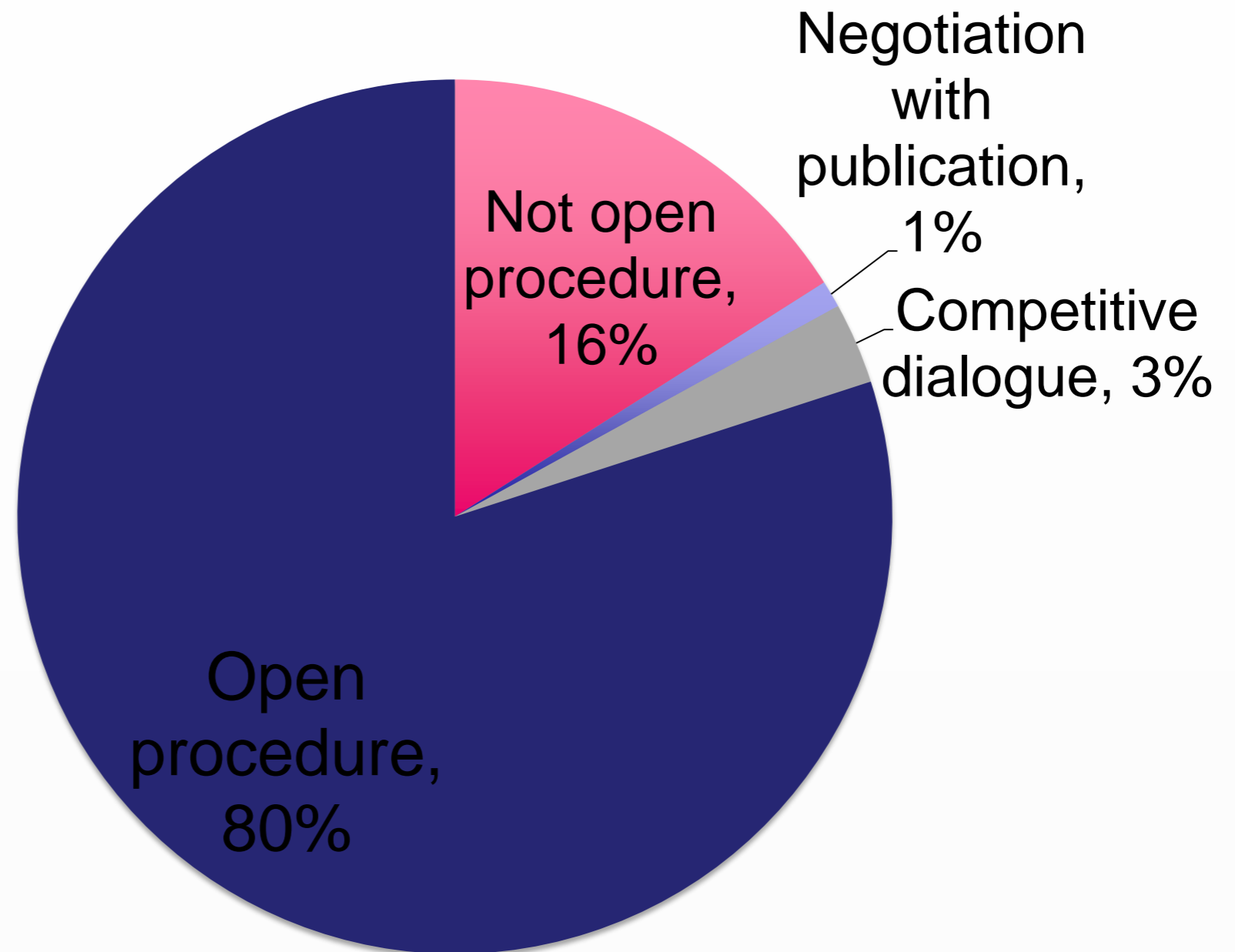
# Main topics

- General European principles applied in the Netherlands
  - Facts & figures
- One-stop-shop system
  - E-tendering
- Typical Dutch tender process in practise

# Purchase volume Dutch Public sector

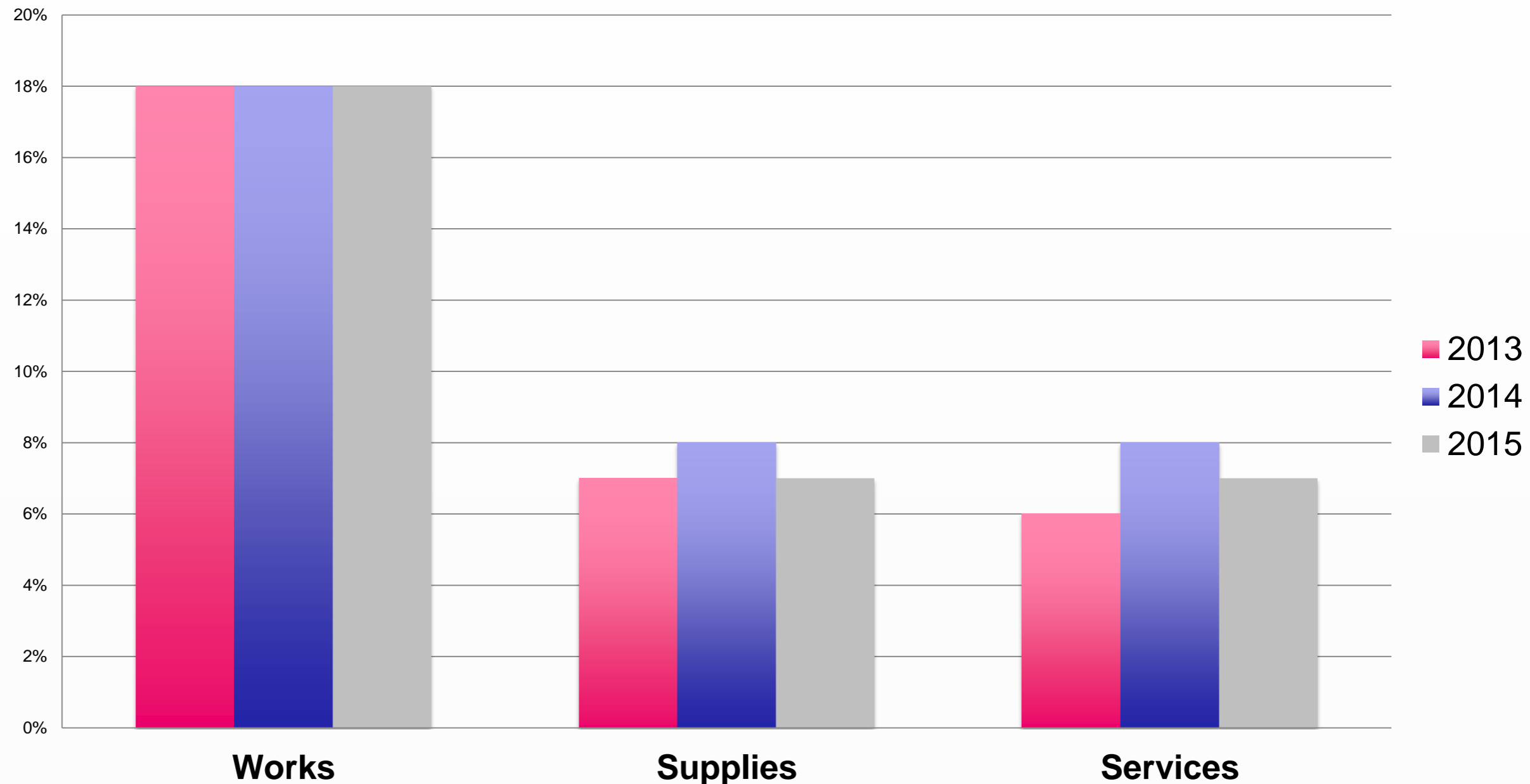


# Type of procedure



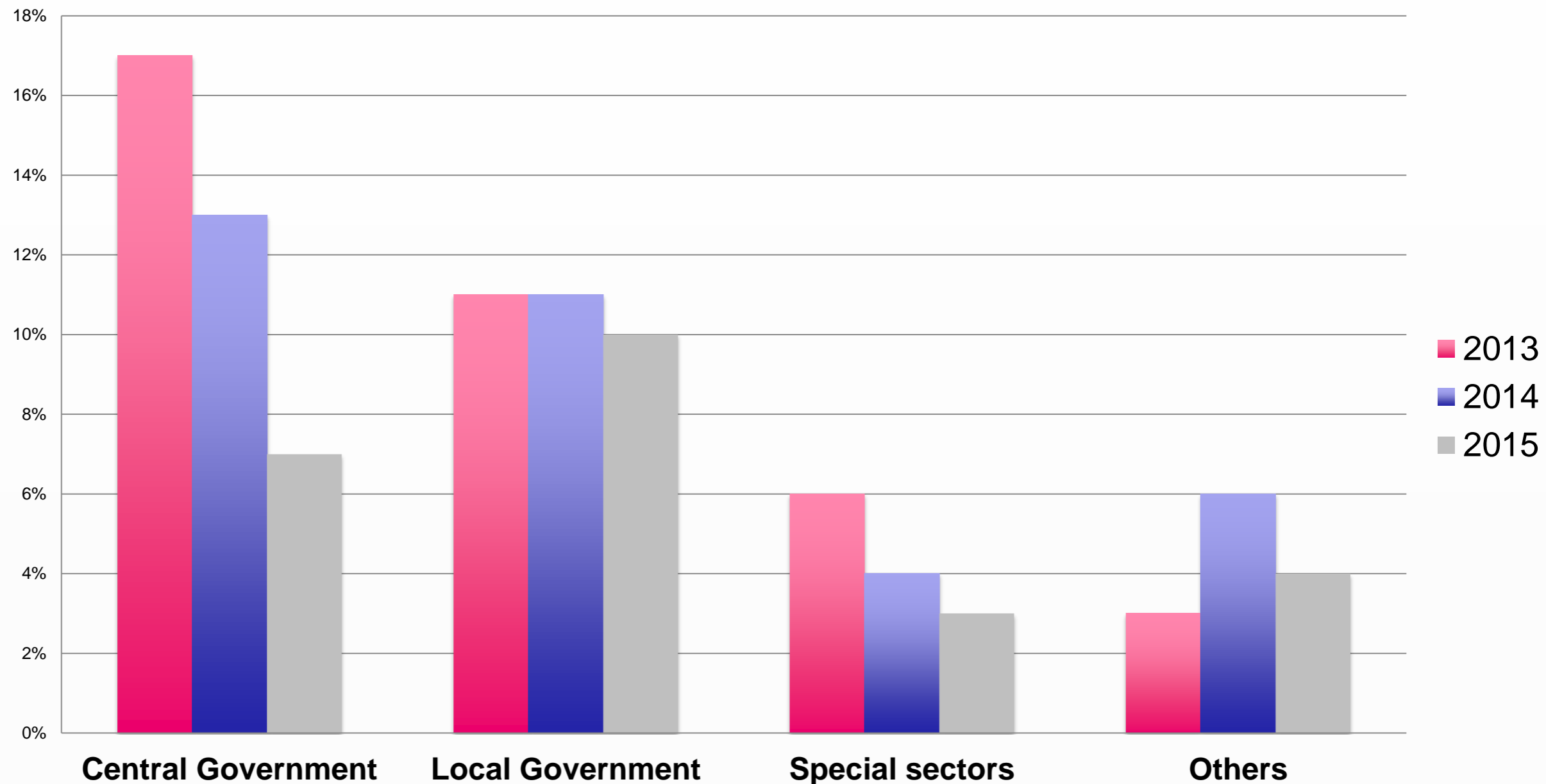
# Lowest bid a award criteria

## Type of assignment



# Lowest bid a award criteria

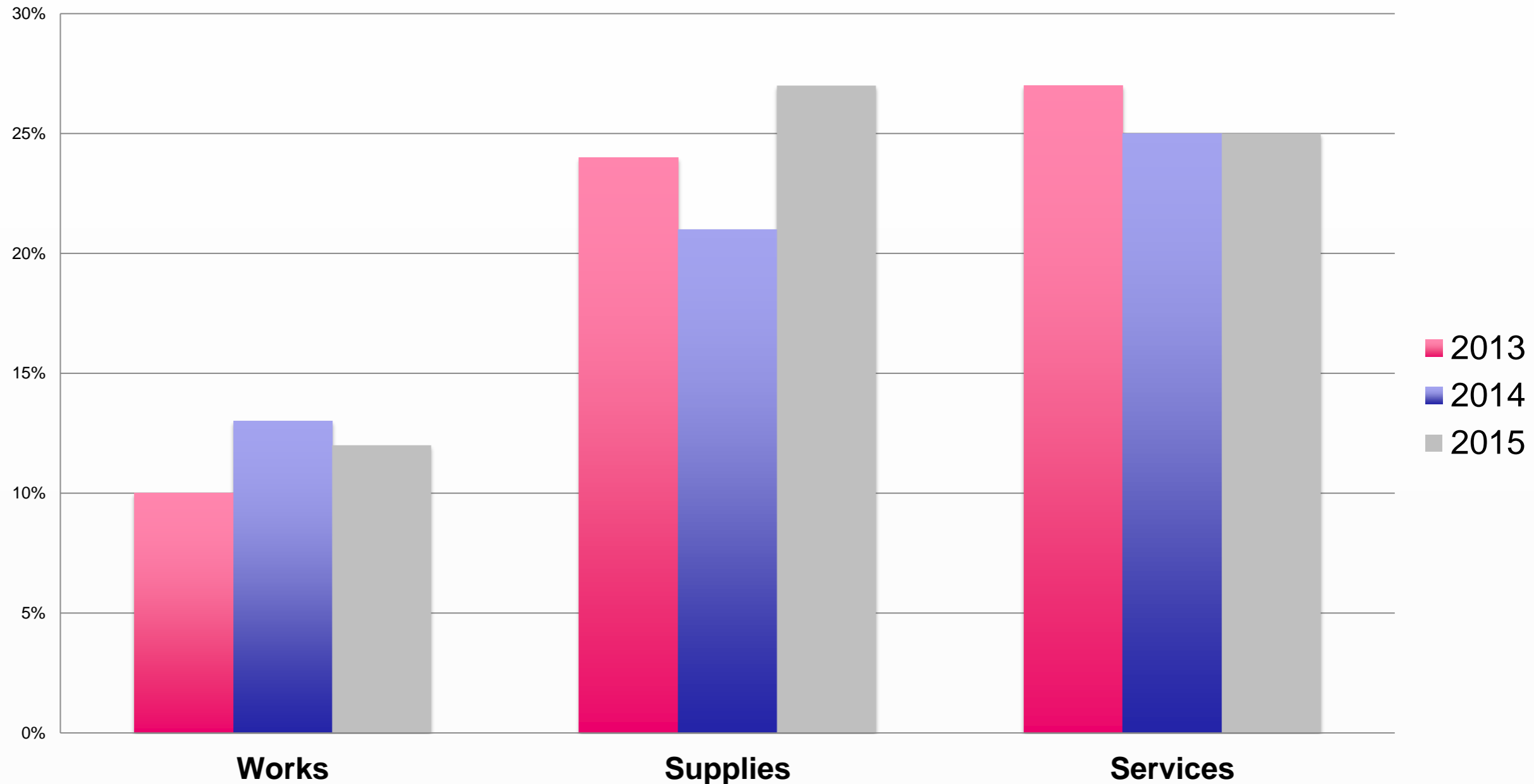
## Type of client



# Plots

23% of all announcement contains more than 1 plot

Type of assignment

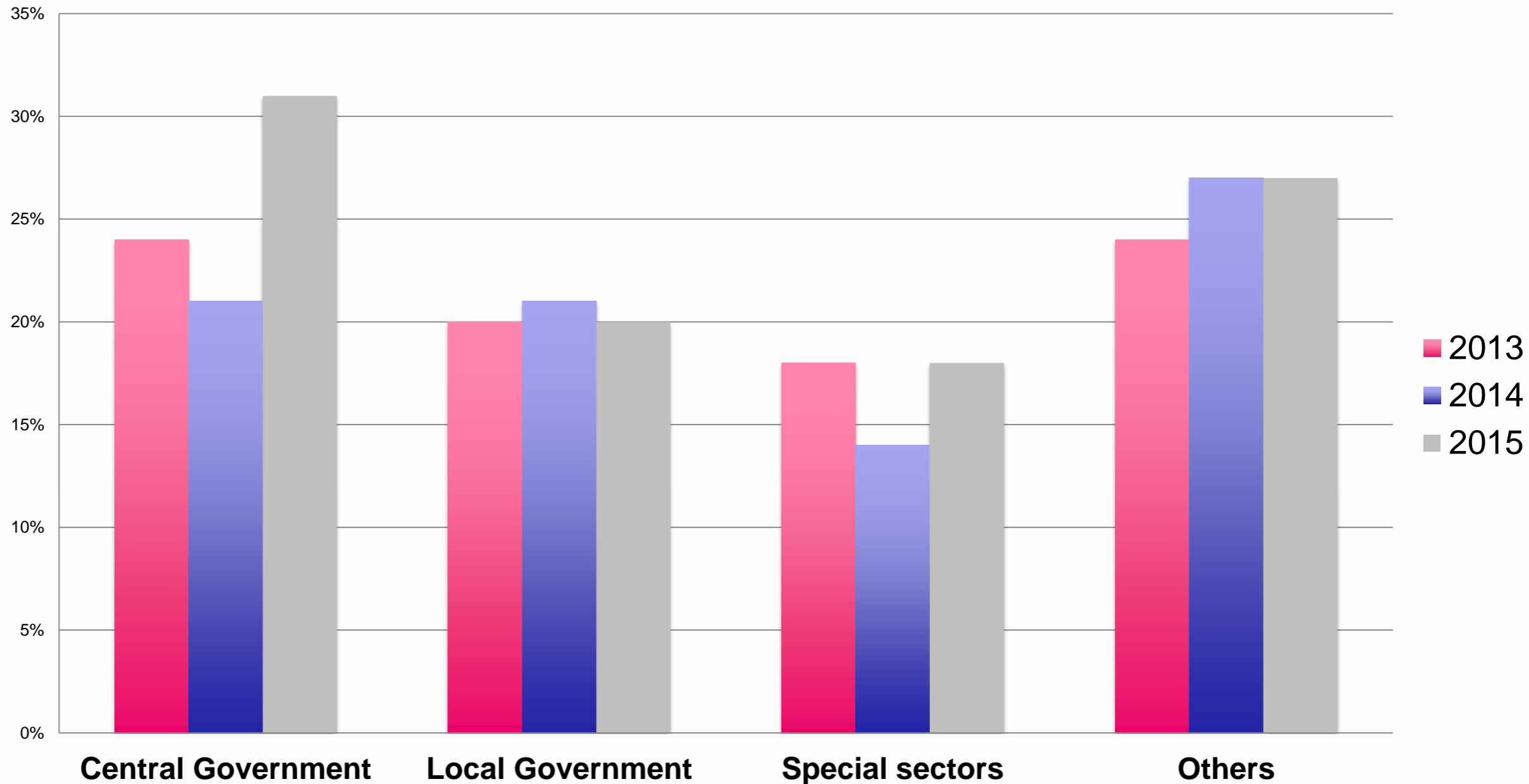




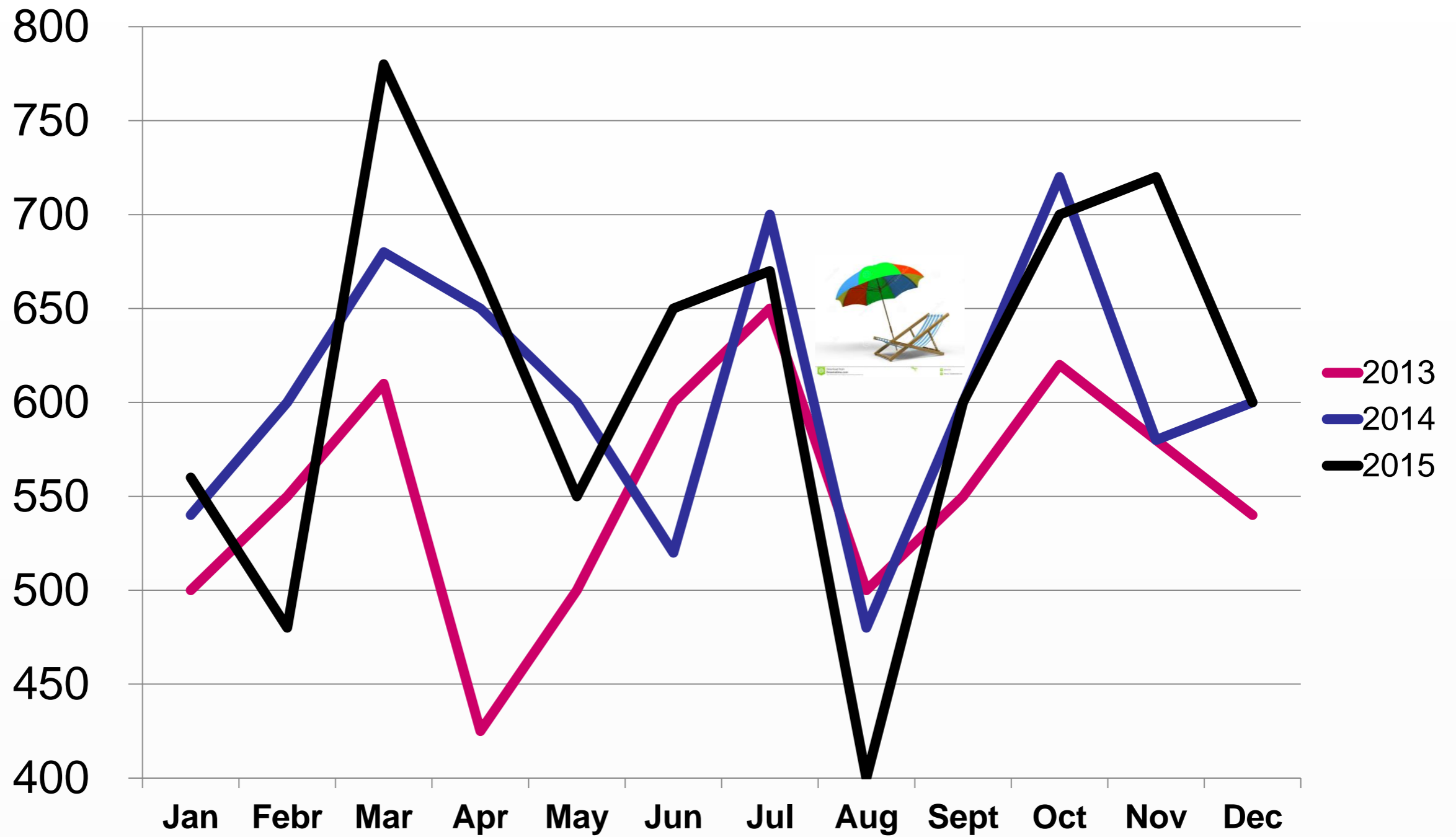
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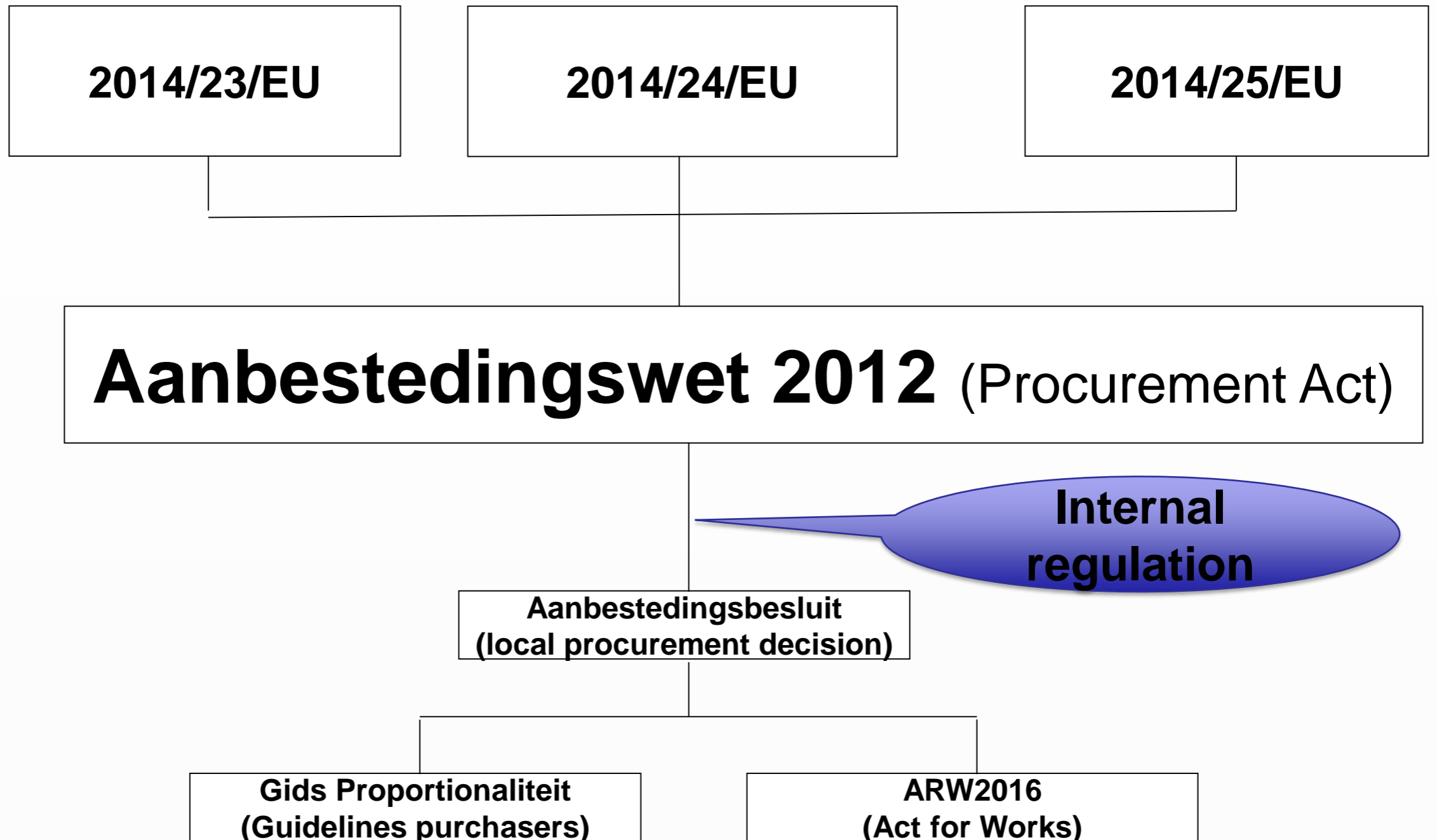
Type of client



# When tendered?



# European directive



# Aanbestedingswet (Procurement Act)

<b>Content</b>	<b>Directive</b>	<b>AW 2012</b>
General provisions	all	Part 1
Public contract of works, supplies or services	2014/24/EU	Part 2
Works Concession	2014/23/EU	Part 2a
Services Concession	2014/23/EU	Part 2a
Procurement by entities operating in the water, energy, transport and postal services sectors	2014/25/EU	Part 3
Legal protection		Part 4



# Main topics

- General European principles applied in the Netherlands
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## Dutch tenders → TenderNed

- The Dutch government's online tendering system
- All Dutch authorities are obliged to publish their national and European tenders on TenderNed's announcement platform
- TenderNed is a qualified eSender
- Automatically forwards announcements of European tenders to TED.

[www.tenderned.nl](http://www.tenderned.nl)

# TenderNed: Principles

- Full digital tender process: from announcement to submission and award of the contract
- Frequently used data only needs be entered once and can be managed in a personal folder
- Reduction of procedural errors and time-saving teamwork in the cloud
- Free, independent and secure

**TenderNed**

Marktplaats  
voor aanbestedingen

# Announcements on TenderNed

**1.671**  
Contracting  
authorities on  
TenderNed (31-3-  
2016)

**7.588**

Announcements

2015: 7.194

2014: 6.330

**6.078**

Award  
decisions

2015: 4.843

2014: 3.056





# TenderNed: registration and participation

1. Registering as a user (The user)
  2. Registering your company (The company)
  3. Adding staff members
  4. Setting up the company's account (include CPV-code!)
  5. Requesting to participate in a tender procedure and submitting a bid
  6. Feedback from the contracting authority
- Foreign companies register true 'Registration without eHerkenning'.
  - TenderNed is not available in English.

# Action to take

- Registration TenderNed




The screenshot shows the TenderNed website interface. The browser address bar displays <https://www.tenderned.nl/tenderned-english>. The page header includes the TenderNed logo, navigation links for 'Inloggen' and 'Registreren', a search bar, and language options for 'Wit/Zwart', 'English', and 'Sitemap'. A navigation menu below the header lists 'Home', 'Aankondigingen', 'Voor aanbestedende diensten', 'Voor ondernemingen', 'Actueel', and 'Help'. A footer section contains the text: 'TenderNed is onderdeel van PIANOo, het Expertisecentrum Aanbesteden van het ministerie van Economische Zaken'. A sidebar on the left shows a menu with 'TenderNed' and 'Benefits'. The main content area is titled 'TenderNed (English)' and contains the text: 'TenderNed is the Dutch government's online tendering system. All Dutch authorities are obliged to publish their national and European tenders on TenderNed's announcement platform, so businesses can access all public publications from a single webpage.'

TenderNed is onderdeel van PIANOo, het Expertisecentrum Aanbesteden van het ministerie van Economische Zaken

## Aankondigingen




Filter op:

**Aanbestedende dienst**   
Alle


[Wijzigen](#)

---

**Type opdracht**


Diensten   
 Leveringen   
 Werken 

---

**Omschrijving van de opdracht (CPV-code)**   
Alle

[Wijzigen](#)

---


**Plaats van uitvoering (NUTS-code)**   
Alle

[Selecteren](#)

Zoek op:  **Zoeken**

Tip: Zet meerdere termen tussen "" om naar een exacte combinatie te zoeken

Resultaten: 1 - 10 van 258 [Minder details tonen](#)

-  **Tender capacitor banks 33 kV - TenneT TSO**  
A framework agreement for the expected demand of 10 complete 33 kV capacitor banks including filter (air-core reactor and/or resistor). The scope contains the design, the supply and transport to site ...  
Type publicatie: Aankondiging van een gegunde opdracht  
Publicatiedatum: 11-10-2016  
Type opdracht: Leveringen  
Sluitingsdatum:  
Plaats van uitvoering: NEDERLAND (NL)  
Procedure: Niet-openbaar
-  **CH AVT repairable components - Ministerie van Defensie, Commando Luchtstrijdkrachten, Logistiek Centrum Woensdrecht**  
To ensure the availability of the Chinook transport helicopter, a new contract for maintenance, repair and overhaul must be incurred for the avionic components. The avionic components are listed in th...  
Type publicatie: Aankondiging van een opdracht voor opdrachten op het gebied van defensie en veiligheid  
Publicatiedatum: 11-10-2016  
Type opdracht: Diensten  
Sluitingsdatum: ● 11-11-2016  
Plaats van uitvoering: NEDERLAND (NL)  
Procedure: Niet-openbaar
-  **Public Tender Nautical and Technical simulators for educational use - HZ / HZ University of Applied Sciences** 



Gesloten aanbestedingen

Binnen 2 maanden


Anders, namelijk:


van  (dd-mm-jjjj)

tot  (dd-mm-jjjj)

[Resultaten filteren](#)

#### Nationaal/Europees

Nationaal 

Europees 


#### Type publicatie

Vooraankondiging

Aankondiging opdracht


Aankondiging Gegunde opdracht

#### Type procedure

Alle types 

#### Taal van de aankondiging

Nederlands

Engels 

informatie, informatie over een onvolledige procedure of rectificatie

Type opdracht: Diensten

Sluitingsdatum: ● 17-10-2016

Plaats van uitvoering: Agglomeratie 's-Gravenhage (NL332)

Procedure: Niet-openbaar

#### [Request for Information "Temporary Storage of Personal Baggage - Schiphol" - Schiphol Nederland BV](#)

Schiphol Nederland B.V. (SNBV) hereby invites you to participate in a Request for Information ('RFI') on "Temporary Storage of Personal Baggage - Schiphol". This RFI does not constitute any form o...

Type publicatie: Vooraankondiging

Publicatiedatum: 19-09-2016

Type opdracht: Diensten

Sluitingsdatum: ● 14-10-2016

Plaats van uitvoering: NEDERLAND (NL)

Procedure: Openbaar

#### [Request for Information "Lost & Found - Schiphol" - Schiphol Nederland BV](#)

Schiphol Nederland B.V. (SNBV) hereby invites you to participate in a Request for Information ('RFI') on "Lost & Found - Schiphol". This RFI does not constitute any form of (European) tender nor is...

Type publicatie: Vooraankondiging

Publicatiedatum: 19-09-2016

Type opdracht: Diensten

Sluitingsdatum: ● 14-10-2016

Plaats van uitvoering: NEDERLAND (NL)

Procedure: Openbaar

#### [Request for Information "Personal baggage/carry-on baggage transport - Schiphol" - Schiphol Nederland BV](#)

Schiphol Nederland B.V. (SNBV) hereby invites you to participate in a Request for Information ('RFI') on "Personal baggage/carry-on baggage transport - Schiphol". This RFI does not constitute any ...

Type publicatie: Vooraankondiging

Publicatiedatum: 19-09-2016

Type opdracht: Diensten

Sluitingsdatum: ● 14-10-2016

Plaats van uitvoering: NEDERLAND (NL)

Procedure: Openbaar

# TenderNed: tSenders

- Procurement systems connected to TenderNed
- Allows the contracting authority to publish announcements on TenderNed through other systems.
  - Aanbestedingskalender
  - CTM Solution
  - Negrometrix
  - Nétive VMX BV
  - The Solutions Factory





# Online tendering

69%

Of all announcement were  
Fully digital  
34% true TenderNed  
35% true tSenders

34%

Of all announcements on  
TenderNed were imported  
from tSenders



# Main topics

- General European principles applied in the Netherlands
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# Open procedure

Most common process

- Publication TenderNed
- Submitting questions
- Publication memorandum of information
- Submitting of Tender
- Rating
- Notification of award decision
- Stand-still period 20 days (objections)
- Final award decision



# Content Request for Tender

Almost all request have the same construction

1. Introduction
2. Background and objectives
3. Description of the assignment
4. Procedure
5. Requirements for submitting a bid (selection)
6. Awarding



# Terms

## Open procedure

Electronic notice, direct, full and free access to the tender documents of the announcement market participant can register electronically	40 days
Electronic notice, direct, full and free access to the tender documents of the announcement	45 days
No access to the tender documents of the announcement	50 days

# Terms

- Publication memorandum of information: minimum of 10 days before deadline tender submission
- The general obligation to fully electronic procurement will begin on July 1, 2017.



# Required documents

## Phase I: By tender, qualification

1. European Single Procurement Document (Uniform Europees Aanbestedingsdocument)
2. Technical and/or professional ability (reference)
3. Certificate of enrollment in professional or trade register (Uittreksel Kamer van Koophandel)
4. Price-form
5. Quality – aspects

**European Single Procurement Document**  
<https://ec.europa.eu/growth/espd>

**ESPD**  
more than just a procurement ID

**KEY FEATURES**

- self-declaration as preliminary evidence in public procurement
- proof of eligibility provided easily online
- template prepared by the buyer and filled in by bidder or automatically
- evidence provided by winners only
- re-usable in future tenders and bids
- flexible reflects member states' needs and data availability
- ready for integration with national registers
- EU funding available to help integration
- certification requirements verifiable via the new e-Certis <https://ec.europa.eu/growth/ecertis>

**Verifies bidder's eligibility in four steps:**

1. Buyer creates/reuses an ESPD template, defining the exclusion and selection criteria
2. Bidder indicates his eligibility and submits the ESPD with the bid
3. ESPD service automatically generates an overview for all bids
4. Originals requested only from the winner

**cuts** bidding costs complexity red tape

**boosts** cross-border accessibility ease of use

# Required documents

## Phase II: Provisional award

1. Certificate of Good Conduct or by the Ministry of Justice issued “ Behaviour statement procurement’ (Gedragsverklaring aanbesteden)
2. Financial capability: annual report most recent financial year
3. Business liability insurance
4. Other documents requested in this tender, or always comparable

→ See also e-Certis

# Contract award criteria

The most economically advantageous tender, either:

1. the best price-quality ratio
2. life-cycle costing
3. lowest bid



- Motivation in request for tender why they choose for 2 or 3
- All quality aspects should be mentioned and how it will be assessed



# Notification of award decision

## Motivation rejection

- Contracting authority is obliged to state reasons!
- Rejection Letter contains:
  - Name proposed award contractor
  - Reasons for rejection
  - Features and benefits chosen provider
- Award Decision
- You can ask for detailed information by a written request

# Complaints: Commission of Tenderexperts

- Are you dissatisfied with how procurement rules are applied in a public tender or feel unfairly treated?

→ File a complaint with the Commission of Tenderexperts

[www.commissievanaanbesteding.gov.ni](http://www.commissievanaanbesteding.gov.ni)

- They examine whether they can play a mediating role or issue a non-binding advice to the parties on how the rules should be applied in the case.





# Dutch ways of working

- Contract always only a written document
- By submitting the tender:
  - declares to unconditionally agree
    - with all requirement, wishes and conditions
    - (draft) agreement, purchase conditions and other conditions
- Best bid: a first and only tender, no further negotiations!  
If not, excluded from the procedure
- Be in-time





Question

**Noesis**  
■ inkoop consultancy ■



**Wendy Bak**  
[www.noesis.nl](http://www.noesis.nl)

**Uw brug naar succesvol aanbesteden**