

NL-Amsterdam: waste incinerators
OJ S 126/2012 04/07/2012
Contract notice – utilities
Works

Directive 2004/17/EC

Section I: Contracting entity

I.1. Name and addresses

Official name: NUON Power Buggenum B.V.
National registration number: Netherlands
Postal address: P.O.Box 41920
Town: Amsterdam
Postal code: 1009 DC
Country: Netherlands
Contact person: NUON Power Generation B.V.
For the attention of: Joseph M.G. Dela Haije
E-mail: jo.dela.haije@nuon.com
Telephone: +31 652533328
Fax: +31 302472905

Internet address(es):

General address of the contracting entity: <http://WWW.NUON.com>

Additional information can be obtained from:

the abovementioned address

Specifications and additional documents (including documents for a dynamic purchasing system) can be obtained from: the abovementioned address

Tenders or requests to participate must be submitted: the abovementioned address

I.2. Main activity

Electricity

I.3. Contract award on behalf of other contracting entities

The contracting entity is purchasing on behalf of other contracting entities: no

Section II: Object of the contract

II.1. Description

II.1.1. Title attributed to the contract by the contracting entity

Biomass Scale Up Buggenum.

II.1.2. Type of contract and place of performance or delivery

Works

Realisation, by whatever means of work, corresponding to the requirements specified by the contracting entities

Main site or place of performance: Haelen.

NUTS code NL422 Midden-Limburg

II.1.3. Information about a framework agreement or a dynamic purchasing system

The notice involves a public contract

II.1.4. Information about framework agreement

II.1.5. Short description of the contract or purchase(s)

The Willem Alexander Centrale (WAC) is a coal gasification power plant, located in the southern part of the Netherlands. The power plant has a capacity of approximately 240MWe, is commissioned in 1993.

To reduce CO₂ emissions, the possibility of co-gasification of biomass in the WAC is being studied. The strategy of Nuon aims to co-gasify 70 % (energy basis) biomass at the WAC. In order to reach this goal, Hardware.

Modifications (HMs) to the existing facility are required. For more general information on the facilities in Buggenum and NUON in general, we refer to www.nuon.com.

II.1.6. CPV code(s)

42320000 Waste incinerators

II.1.7. Information about the Government Procurement Agreement (GPA)

The procurement is covered by the Government Procurement Agreement: no

II.1.8. Information about lots

This contract is divided into lots: yes

Tenders may be submitted for one or more lots

II.1.9. Information about variants

Variants will be accepted: no

II.2. Scope of the procurement

II.2.1. Total quantity or scope

The 'HM02: Off-gas cleaning coal mills' project aims for the realisation of an installation which enables treatment of off-gas to reduce the emission of certain noxious chemical compounds, smell, VOCs and CO.

Contractor shall provide all works for the design, engineering, procurement, manufacturing, inspections, delivery, construction, erection, commissioning, testing and start up of all systems, equipment and materials for a complete, safe and fully operational Plant.

II.2.2. Information about options

Options: no

II.2.3. Information about renewals

This contract is subject to renewal: no

II.3. Duration of the contract or time limit for completion

Information about lots

Lot No: 1

Lot title: Incinerator installation

1) Short description

Lot 1 comprises the treatment of off-gases by means of incineration.. The system shall be of a recuperative type in order to reduce natural gas consumption.

2) CPV code(s)

42320000 Waste incinerators

3) Quantity or scope

The system shall be integrated in the existing installation. More specific this includes but is not

limited to:

- Incinerator with recuperative heat exchanger,
- piping,
- all supporting structures including extension of 13 m floor to place incinerator,
- electrical works,
- incinerator PLC installation and connection to existing DCS,
- earthing and lightning protection,
- ATEX regulations,
- Fire & Gas protection.

Lot No: 2

Lot title: Scrubber installation

1) Short description

Lot 2 comprises the treatment of the off-gases by means of a scrubber installation. Condensing the water shall subtract all undesired components from the off-gas. The system shall be integrated in the existing installation.

2) CPV code(s)

42320000 Waste incinerators

3) Quantity or scope

Lot 2 comprises the treatment of the off-gases by means of a scrubber installation. Condensing the water shall subtract all undesired components from the off-gas. The system shall be integrated in the existing installation.

- Scrubbers,
- Piping,
- All support structures including extension of 13 m floor to place scrubbers,
- electrical works,
- incinerator PLC installation and connection to existing DCS,
- earthing and lightning protection,
- ATEX regulations.

Section III: Legal, economic, financial and technical information

III.1. Conditions related to the contract

III.1.1. Deposits and guarantees required

Conditions will be described in the tender documents.

III.1.2. Main financing conditions and payment arrangements and/or reference to the relevant provisions governing them

Conditions will be described in the tender documents.

III.1.3. Legal form to be taken by the group of economic operators to whom the contract is to be awarded

The consortium should take preferably the form of a "Vennootschap onder Firma" according to the Dutch.

Civil Code or another cooperation form that can be registered by a Chamber of Commerce and which has no legal consequences for the liability of the members of the consortium; all members shall be fully liable to the.

Employer ("hoofdelijk aansprakelijk").

The obligations, risks and liabilities imposed on the Respondent by any contract as a result of

this Tender process (if awarded) shall be guaranteed by the partners in that Joint Venture jointly and severally.

The Request to Qualify and any resulting Tender and/or Contract shall be signed for each of those parties by the person or persons authorized to make legally valid commitments; In the Request to Qualify and subsequent Tender, the Respondent shall submit proof (to the satisfaction of Nuon) that the agreement amongst the Joint Venture partners provides that: if a Joint Venture partner goes into liquidation or has a receiving order issued against it, such partner will consent to, and the other partner(s) shall procure that all construction equipment, including without limitation tools, computer programs, and software furnished by the partner in question, and all Subcontracts entered into by it, shall continue to be available, or, as the case may be, shall be assigned to the other partner(s), and the structure and membership of the Joint Venture shall be maintained throughout the validity period of the Qualification and any subsequent Tender and/or Contract.

In case Respondent belongs to the same group company and/or service providers or are affiliated to each other by way of annual accounts or if they are under (final) control by the same natural person(s) and/or mothercompany, only one of the Respondents shall be admitted to the Tendering Procedure as a Respondent and/or subcontractor (which ever applies) – to be decided upon by the Employer. For the avoidance of doubt: this stipulation applies only per lot and affiliates (according to the description above) are allowed to participate in different lots of this Project

III.1.4. Contract performance conditions

The performance of the contract is subject to particular conditions: no

III.2. Conditions for participation

III.2.1. Suitability to pursue the professional activity, including requirements relating to enrolment on professional or trade registers

List and brief description of conditions: Selection of Tenderers shall be based on the minimum and weighted requirements, defined in III.2.1, III.2.2 and III.2.3:

Minimum requirements: each Respondent shall fully comply with the minimum requirements. Some of the criteria entail the hand-over of suitable proofs. For each requirement it is stated what information shall be handed over as part of your Request to Qualify and what information shall be handed over at conditional.

Contract award. It is noted that Contract award shall, amongst others, be provisional to the hand over of all such proof and documentation. Employer reserves the right to claim actual damages if final contracting fails due to parties not being able to substantiate a previous declaration with suitable proof. Respondents that do not comply with all minimum requirements as set out in this Contract Announcement will be excluded from further participation in this Tender.

Weighted requirements: requirements that shall be met by each Respondent to the maximum extent possible.

Respondent's performances on each requirement will be assessed and valued using the substantiating information as listed hereunder. Together with the weighting of each requirement this will result in a ranking of the Respondents. The criteria and scoring points are:

Respondent shall demonstrate experience in execution of similar projects of comparable scope and complexity:

- 1) Incinerators 20 points,
- 2) Scrubbers 20 points,
- 3) Multidisciplinary Works 20 points,
- 4) Local conditions 15 points,

5) HSE Questionnaire 25 points.

The Respondent with the highest ranking will be selected as Tenderers (maximum 5).

a) Respondent is not convicted by final judgement for one or more reasons as described in Article 45 paragraph 1 of Directive 2004/18/EG of the European Parliament and in its enforcement under Dutch law, amongst others, the 'Besluit Aanbestedingen Speciale Sectoren, BASS, 409, 16 juli 2005'

Information part of your Request to Qualify: own declaration by duly authorized representative.

Information required at conditional contract award: a declaration, no more than three months old, from an independent (governmental) authority or entity mandated to issue such declaration.

b. Respondent is not bankrupt, has not been liquidated, has not been granted a moratorium or has made any arrangements with creditors to prevent such events; nor that Respondent's activities have not been stopped due to such events.

Information part of your Request to Qualify: own declaration by duly authorized representative.

Information required at conditional contract award: a declaration, no more than three months old, by the clerk of the district court of the domicile or the location of the registered office of Respondent.

c. No proceedings are conducted against the Respondent that may result in bankruptcy, liquidation or a moratorium or an arrangement with creditors to prevent such events.

Information part of your Request to Qualify: own declaration by duly authorized representative

Information required at conditional contract award: a declaration, no more than three months old, by the clerk of the district court of the domicile or the location of the registered office of Respondent.

d. Respondent has complied with all his obligations with regard to the payment of social insurance contributions in accordance with the statutory provisions.

Information part of your Request to Qualify: own declaration by duly authorized representative

Information required at conditional contract award: a declaration, no more than 3 months old, from the executive. Respondent has complied with all his obligations with regard to paying his taxes.

Information part of your Request to Qualify: own declaration by duly authorized representative

Information required at conditional contract award: a declaration, no more than 3 months old, from the tax authorities.

f. Respondent is registered in the register of companies.

Information part of your Request to Qualify: certificates of registration

Information required at conditional contract award: no additional information required.

g. Respondent is not convicted by final judgement of any offence concerning its professional conduct, nor has been guilty of grave professional misconduct.

Information part of your Request to Qualify: own declaration by duly authorized representative

Information required at conditional contract award: own declaration by duly authorized representative.

h. If the Respondent is a branch, subsidiary or operating company of a holding company or a group of companies, and wishes to use the consolidated financial information of the holding company or group of companies for the purposes of his Request to Qualify, the holding company or group of companies shall provide a Parent Company Guarantee in which it accepts liability on behalf of its subsidiary for the complete and correct execution of the announced Contract.

Information part of your Request to Qualify: duly signed statement(s) of the Parent(s) stating that it will thus guarantee the performance of the Respondent under a Contract resulting from this Tender Procedure.

Information required at conditional contract award: a full Parent Company Guarantee

according to the format part of the Invitation to Tender.

i. All declarations of the Respondent in the Request to Qualify are done by duly authorized representative(s).

Information part of your Request to Qualify: proof of duly authorization of representative(s)

Information required at conditional contract award: no additional information required. agency of the national social insurance organization.

III.2.2. Economic and financial ability

List and brief description of conditions: Respondent, or its parent (in case of h. above) shall have the reputable and healthy financial standing necessary to execute the announced contract with the corresponding risk profile and is in a position to provide for all required financial guarantees, financial coverage of project risk, and mitigation of financial risks to Employer.

Information part of your Request to Qualify:

A signed statement issued by a financial institution with at least an A by Standard & Poor's or Moody's on the liquidity, solvency and profitability of the Respondent (or its parent in case of g above), that demonstrates that the financial strength of the Respondent or parent is such that he is capable of executing the announced contract.

Full audited, consolidated annual reports, including management report and explanatory notes and with a non-qualified auditor opinion, for the most recent three years, of the Respondent and, in case of h., its parent. In case of a Joint Venture, please include this information for each partner. In the case of consolidated annual reports, additional financial information must be provided that relates specifically to the field of business related to the scope of the announced contract.

Information required at conditional contract award: No additional information required:

a. full credit check and assessment will be part of the evaluation procedure. The minimum required turnover for the Respondent, or its parent is at least three times the contract value of 1 or 2 lots,

b. at contracting Respondent is willing to issue a Performance Security in the form of an on-demand bank guarantee in a form and amount acceptable to Vattenfall and by an independent third party bank with a minimum A-/A3 (rating by Standard Poor's and/or Moody's), in the amount of 10 % of the Contract value, valid until the end of the defects notification period under the Contract Information part of your Request to Qualify:

Duly signed declaration from the Respondent stating its unconditional willingness to issue such guarantee at award of the Contract.

Information at conditional contract award Duly signed.

Performance Guarantee part of the Contract and according to the format included in the Invitation to Tender.

c. At contracting Respondent is willing to issue an Advance Payment Guarantee in the form of an on-demand bank guarantee in a form and amount acceptable to Vattenfall and by an independent third party bank with a minimum A-/A3 (rating by Standard Poor's and/or Moody's), in an in time increasing and decreasing amount to balance remaining cash risk not covered by other securities (i.e. Performance Security, Transfer of Title).

Information part of your Request to Qualify: duly signed declaration from the Respondent stating its unconditional willingness to issue such guarantee at award of the Contract

Information at conditional contract award duly signed.

Performance Guarantee part of the Contract and according to the format included in the Invitation to Tender.

d. If a Respondent is a consortium, the requirements in III.2.1 are applicable to each member individually.

The requirements in III.2.2 and III.2.3. however are applicable to the consortium as a whole,

whereby the consortium must comply with one and a half times the minimum average annual turnover figures for a single company.

e. If a parent of the Respondent expresses the intent to guarantee the performance of the Respondent under the Contract, the financial standing of the parent needs to be submitted for prequalification purposes. In that case the information on the financial standing of the parent will be used in the evaluation of the minimum and weighted requirements. The parent should also submit all doc's under III.2.1.a/i (except for h).

III.2.3. Technical and professional ability

List and brief description of conditions: Respondent shall be an established and experienced contractor in the field of control works of comparable size and scope, and shall be experienced in the (detailed) engineering and local project management as required for the Biomass Scale Up Buggenum project.

Respondent shall have firm representation in The Netherlands responsible for, or participating in the major part of the (local) project management and communication with the Employer. (Further details in the Invitation to Tender).

Information part of your Request to Qualify:

Clear and comprehensive description of the most relevant reference project including description of the organization of and responsibility for each of the mentioned activities. In case Respondent is a Joint Venture, please clearly describe which responsibility is assigned to each participant.

Information at conditional contract award: No additional information required.

b. Respondent has been certified in accordance with ISO 9001:2000 or equivalent.

Respondent has been certified in accordance with ISO 14001 or equivalent.

Respondent is OHSAS 18001 certified, if Respondent is not OHSAS 18001 certified Employer will review the details on the HSE system of the Respondent as supplied as part of the Request to Qualify. This evaluation is based on the answers to the questionnaire below and uses OHSAS 18001 standards. In addition if Respondent is not OHSAS 18001 certified, please provide details on any ongoing certification schemes of its HSE management system. In the ITT Tenderers will be asked to provide as part of their Tender a statement that subcontractors and persons working on the project site shall have SCC (Safety, health and environment Checklist Contractors) (or equivalent) certification.

Information part of your Request to Qualify:

Authenticated copies of relevant certificates or details on the HSE management system, its implementation and any ongoing certification. A completed version of the questionnaire in Appendix A.

Information at conditional contract award: No additional information required.

c. Respondent shall have (or demonstrate that he will have at the time of Contract award) – adequate knowledge of and experience with Dutch working conditions, environmental codes and legislation, so as to be able to fully comply with all relevant rules and regulations.

Information part of your Request to Qualify:

Own declaration (including elaborations on relevant reference projects and/or proposed partner to adequately cover for this aspect).

Information at conditional contract award: No additional information required.

d. Respondent is able to demonstrate that he can at least raise resources to meet the envisaged project planning as indicated above. Please be aware that Employer reserves the right to shift this planning to accommodate changes in the project planning or requirements of Tenderers.

Information part of your Request to Qualify:

Own declaration and workload vs. resource planning.

Information at conditional contract award: No additional information required.

e. Respondent has been actively involved in at least 3 projects of comparable size and complexity since 2002.

Information part of your Request to Qualify:

Own declaration and detailed project descriptions, including Respondent's activities deployed in it, accompanied by a detailed reference list indicating the customer, roles and responsibilities of Respondent, the scope and contract values for relevant projects of similar size and complexity, executed by Respondent

Information at conditional contract award: No additional information required.

Vattenfall Health & Safety Prequalification.

Questionnaire.

Contract description:

Contract number:

Location:

Date: Health & Safety is an important criterion utilised in the selection of Contractor/Suppliers performing work on behalf Vattenfall.

Awarding of contracts will not only be on the basis of pricing and technical ability, but also on Contractor/Supplier's Health & Safety management and its past Health & Safety performance.

We require this document back, duly filled in and supported by the documents as requested.

Contractor/Supplier needs to fill in the yellow cells. If Contractor/Supplier has a certified Health & Safety Management System, than certain questions do not have to be answered and Contractor/Supplier will get the maximum score for these.

Vattenfall needs to fill in the green cells. The mandatory prerequisites need to be evaluated in accordance with the Contract Health & Safety Management process document FPro164, while the questions need to be scored using worksheet 2."

Company information.

Company name:

Company address:

Contact information: Tel:

Fax:

E-mail:

Website:

Name of contact person:

Name of General Manager:

Name of Health & Safety Manager:

Name industrial accident insurer:

Describe main activity:

Mandatory prerequisites.

Is your company OHSAS 18001 certified?

If YES, please attach a copy of your certificate.

If YES, you do not have to answer the following categories of the Capability Assessment: 1, 7, 12 and 13.

In case the contract value exceeds 1 million euro and your company is not OHSAS 18001 certified, are you willing to become OHSAS 18001 certified before 1.

January 2014?

Is your company VCA* or SCC* certified?

If YES, please attach a copy of your certificate.

If YES, you do not have to answer the following categories of the Capability Assessment: 7, 10, 12 and 13.

Is your company VCA** or SCC** certified?

If YES, please attach a copy of your certificate.

If YES, you do not have to answer the following categories of the Capability Assessment: 1, 7, 10, 12 and 13.

Is your company VCA-P or SCC-P certified?

If YES, please attach a copy of your certificate.

If YES, you do not have to answer the following categories of the Capability Assessment: 1, 7, 10, 12 and 13.

Does your company have any other Health & Safety Management certification?

If YES, please specify which certification.

Please provide us with a copy of the certificate, an index and relevant supporting documentation.

No Health & Safety Management certification?

If your company has no Health & Safety certification, than you must answer the entire Questionnaire.

Are you willing to guarantee that all your and your Subcontractor employees that will work at the Vattenfall premises will be individually IOSH, VCA or SCC 2011 (or equivalent) certified? Equivalent for Denmark locations is the Vattenfall PTD video instruction.

Are you willing to guarantee and show evidence, at first notice, of the Skill/Education

/Experience of all individual employees of both your own company and of your Subcontractors?

Are you willing to provide proof of good behaviour, officially signed by appropriate governmental body from country of origin, upon request of Vattenfall?

Under certain conditions, Vattenfall might ask for evidence of good behaviour for certain or all of your or your Subcontractors' personnel.

Are you willing to apply the same Health & Safety requirements for your Subcontractors as are applicable to you?

Health & Safety performance indicators:

Please provide the following statistics for this year and each of the last 3 years:

Year -3 Year -2 Year -1 YTD Total.

Number of Hours worked -.

Number of Fatalities.

Number of Lost Time Injuries.

Number of Restricted Work Cases.

Number of Medical Treatment Cases.

Number of First Aid Cases.

Number of Near Miss Incidents.

Capability assessment.

1 Leadership and commitment

How do your managers and senior managers demonstrate visible Health & Safety leadership in everyday work?

How does your company encourage involvement and create commitment of employees regarding Health & Safety?

2 Health & Safety organization

"Does your company have a Health & Safety organization?

If YES, please provide details such as do you have fulltime people, how many, education etc.".

3 Health & Safety policy

"Does your company have a Health & Safety policy document?

If YES, please attach a copy and provide details how you communicate this.".

4 Health & Safety strategic objectives

"Does your company have strategic Health & Safety objectives?

If YES, please specify."

5 Health & Safety Management System

"Does your company have a Health & Safety Management System / documentation which describes in detail your company Health & Safety working practices?

If YES, please attach a copy of an index and relevant supporting documentation."

6 Risk management

What type of Health & Safety hazards are associated with the scope of your services? (e.g. chemical, vibration, noise, radiation, working at height, lifting and hoisting, confined space entry, etc.)

Explain how these hazards are identified, assessed and controlled.

7 Health & Safety training

What Health & Safety training do you provide for new and existing employees?

How do you ensure that your employees receive the right training for their activities?

8 Subcontractor management process

"Does your company have a Subcontractor management process or system regarding Health & Safety?

If YES, please provide details."

9 Personal protective equipment

"Does your company provide a standard set of personal protective equipment to your employees?

If YES, provide details."

"Does your company provide any specific personal protective equipment for any specific activities?

If YES, provide details."

10 Tools and equipment

How do you ensure that tools and equipment used are correctly certified, registered, controlled and maintained in a safe working condition?

11 Management of Change

How do you manage changes and assess associated risks to changes in critical tasks, work methods, operations, procedures, equipment, personnel or documentation?

12 Health & Safety incident investigation and follow up

What types of Health & Safety incidents are investigated?

What process is used to investigate Health & Safety incidents and who conducts these investigations?

How are the findings of an incident investigation followed up to ensure effective prevention of recurrence?

13 Health & Safety performance monitoring, auditing and review

How do you monitor the implementation of your Health & Safety Management System into your organization?

"Do you have a formal Health & Safety auditing process?

If YES, please provide details."

"Do you have a formal management review of your Health & Safety Management System?

If YES, please provide details."

14 Statutory notifiable incidents or non compliance notices

Has your company suffered any statutory notifiable incidents in the last five years (Health & Safety, occupational health, environmental)? If YES, please provide details including dates, country and location, summary of incident and mitigating measures taken.

III.2.4. Information about reserved contracts

III.3. Conditions specific to services contracts

III.3.1. Information about a particular profession

Execution of the service is reserved to a particular profession: no

III.3.2. Information about staff responsible for the performance of the contract

Obligation to indicate the names and professional qualifications of the staff assigned to performing the contract: no

Section IV: Procedure

IV.1. Type of procedure

IV.1.1. Type of procedure

Negotiated

IV.2. Award criteria

IV.2.1. Award criteria

The most economically advantageous tender in terms of the criteria stated in the specifications or in the invitation to tender or to negotiate

IV.2.2. Information about electronic auction

An electronic auction will be used: no

IV.3. Administrative information

IV.3.1. File reference number attributed by the contracting entity

IV.3.2. Previous publication concerning this procedure

no

IV.3.3. Conditions for obtaining specifications and additional documents

(except for a DPS)

IV.3.4. Time limit for receipt of tenders or requests to participate

15.8.2012 - 12:00

IV.3.5. Languages in which tenders or requests to participate may be submitted

German. English. Dutch.

IV.3.6. Minimum time frame during which the tenderer must maintain the tender

IV.3.7. Conditions for opening of tenders

Section VI: Complementary information

VI.1. Information about recurrence

This is a recurrent procurement: no

VI.2. Information about European Union funds

The procurement is related to a project and/or programme financed by European Union funds: no

VI.3. Additional information

1. The application must be signed and submitted in writing in one hard copy original, being

loose-leaf initialed on each page; one digital copy (CD). Digital copy shall include all documents, including scans of original signed letters and declarations. Hardcopies and/or physical data media should be put in a sealed envelope. Each application shall be marked with the EU notification number and be marked as 'confidential'.

2. For convenience and efficiency, the employer would like to see the application structured according to the numbering in Section III.2) and should contain the requested information in the respective categories. The employer reserves the right to disregard information not placed in the herefore provided categories. Indications of earlier applications are not sufficient for verification.

3. The application must include a notice which lot or lots has been applied for.

4. NUON reserves the right to demand further statements and proof (including minimum requirements).

Furthermore, it reserves the right to request a personal presentation or visit of company or reference site of a candidate to verify for example the self-declarations. Applicants are not entitled to claim an additional demand or a visit or to do a personal presentation.

5. Questions are exclusively to be sent via email to the contact point until 7 calendar days before the application deadline. Thereafter, incoming questions are not considered. The employer will try to reply in a timely manner.

6. Request to participate shall be delivered to the contact person in I.1 no later than on the date and time stated in section IV.3.4.

7. Nuon preserves the right to substitute itself during the pre-qualification procedure and/or the tender procedure and/or to assign the Contract or after award thereof to another N.V. Nuon Energy subsidiary. Equivalent guarantees will apply on behalf of the other N.V. Nuon Energy subsidiary as for Nuon. By submitting a Request to Qualify Respondent accepts that Nuon is entitled to substitute itself and/or to assign the Contract by or to another N.V. Nuon Energy subsidiary.

8. Under no circumstance shall Employer be liable for any costs or expenses, incurred by the responding party in connection with the party's Request to Qualify or any resulting Tender Procedure.

9. Nuon reserves the right to suspend or terminate the Tender Procedure either entirely or parts thereof, either temporarily or definitively. In addition, Employer has no obligation to enter in to any agreement.

10. This Contract Announcement and Tender Procedure are subject to the relevant provisions of directive

2004/17 EC of the European Parliament and by its enforcement under Dutch law (besluit van 16 juli 2005 "Bass" and the Wet Implementatie Rechtsbeschermingsrichtlijnen Aanbesteden "Wira"). Any dispute resulting from this

Tender procedure shall be dealt with in accordance therewith.

11. Employer is authorized to verify the references given, including by requesting Respondents that declarations made by employers of the quoted reference projects will be sent directly to Employer, or by asking for audited statements. Employer may also require the Respondents to supplement or clarify the certificates and documents submitted.

The specifications for contract awarding result from the Invitation To Tender (ITT). For reasons of maximum transparency, the employer announces some general rules in advance. There is, however, no entitlement for employer to comply with them. Therefore, specifications and changes can occur in the context of the ITT:

1. Contract awarding for each lot requires the approval of the employer's boards.

2. Contract awarding for each lot is subject to existing permits under public law.

3. Contract awarding for each lot is subject to the economically viable implementation of the services to be determined by the employer.

VI.4. Procedures for review

VI.4.1. Review body

Official name: The voorzieningenrechter of the Arrondissementsrechtbank in Amsterdam.

Postal address: Parnassusweg 220

Town: Amsterdam

Postal code: 1076 AV

Country: Netherlands

VI.4.2. Review procedure

Precise information on deadline(s) for review procedures: The deadline for the initiation of a procedure is 15 calendar days after the date on which a decision to award the.

Contract has been send by Nuon according to clause 57 of the Bass and clause 4 of the Wira.

This term will be considered to be a strict time limit.

VI.4.3. Service from which information about the review procedure may be obtained

VI.5. Date of dispatch of this notice

29.6.2012