



Pan-European Innovation partnership to upcycle or recycle aluminium based sludges from drinking water treatments



**REQUEST FOR
CANDIDACIES
(RFC)**

INNOVATION PARTNERSHIP



Alu Circles Initiative



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Preamble

Alu Circles has been initiated by three leading European organisations in the drinking water industry (the Public Buyers Group -PBG): AquaMinerals (NL), De Watergroep (BE) and Scottish Water (UK). The aim is to develop a beneficial use of alum sludge - a residual from drinking water treatment. The Innovation Partnership procedure – a Public-Private Partnership model – has been chosen by the Public Buyers Group as the procedure to tackle the issue; this includes both the R&D of innovative methodologies and working methods, as well as the foreseen possible deployment of the developed innovative solutions in three different countries.

The innovative solution should result in a sustainable, beneficial use ('upcycling or recycling') of alum sludge. The underlying rationale is that based upon a solid economic analysis the Public Buyers Group can act as an international forerunner and initiator to speed up market developments. Market parties are invited to propose their innovative solutions.

 What are the benefits for the technology vendors?

1. Possibility to align and team up with water companies from three European countries to speed up the innovative market developments on the upcycling of alum sludge and to broaden its market share.
2. Possibility to align with water companies from three countries as launching customer for the deployment of the developed innovative methodologies and working methods.
3. Reference site for (other innovation) procurement projects from water companies in Europe and other regions.
4. Additional co-funding for the R&D/upscaling of the innovative solution, on top of the own investment by the technology vendor.

The award procedure consists of a 'selection phase' and an 'award phase':

- 1) In the first phase (the selection phase), AquaMinerals (on behalf of the Public Buyers Group) will select suitable Candidates for the performance of the Framework Agreement, by means of grounds for exclusion, and selection criteria. In selecting candidates, criteria concerning the candidates' capacity in the field of research and development and of developing and implementing innovative solutions will be particularly taken in account. AquaMinerals will limit the number of Candidates meeting the selection criteria that they will invite to the award phase to five.
- 2) In the second phase (the award phase), AquaMinerals (on behalf of the Public Buyers Group) shall invite the selected Candidates to submit research and innovation projects aimed at meeting the needs identified by the contracting authority that cannot be met by existing solutions.
- 3) AquaMinerals shall award the Framework Agreement by comparing the Offers based on the award criteria. The Framework Agreement must be awarded to the most economically advantageous tender taking the best price-quality ratio into account.

Introduction

On August 3rd, 2020, AquaMinerals sent a Contract Notice for a public Framework Agreement for the upcycling or recycling of aluminium based sludges from drinking water treatment, beyond current state of the art to the Official Journal of the European Union.

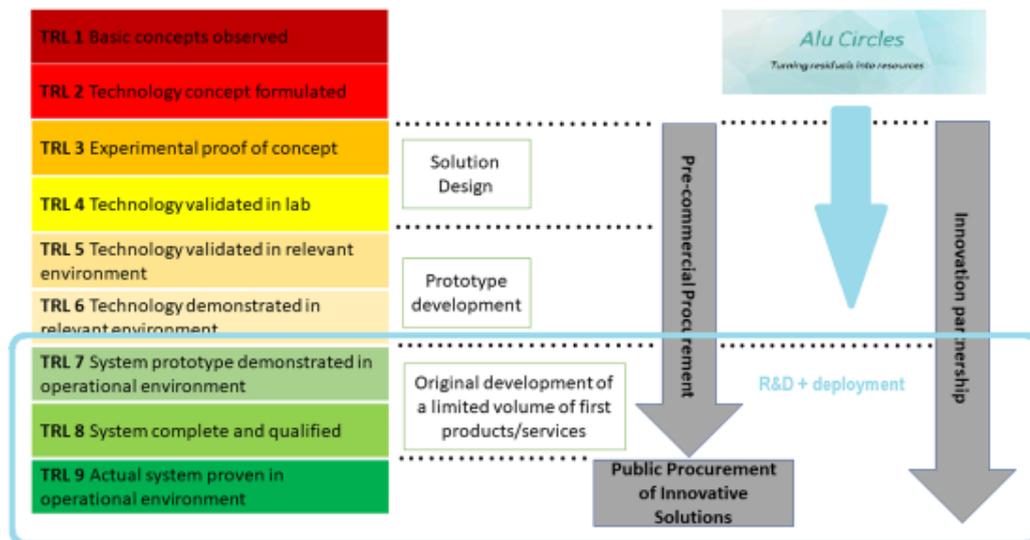
The Public Buyers Group includes: AquaMinerals (NL) - acting on behalf of the Water Companies in the Netherlands, specifically, Evides and Waterbedrijf Groningen; and on behalf of De Watergroep (BE) and Scottish Water (SCT). As AquaMinerals is the lead procurer, this process will be conducted under Dutch law.

AquaMinerals (NL) De Watergroep (BE) and Scottish Water (SCT) are public procurers and started the Alu Circles Initiative. Allied Waters and Corvers Procurement Services coordinate and support the process.

The Alu Circles Initiative seeks to find solutions to upcycle or recycle alum sludge beyond the present state of the art, which:

- Are cost effective, hence leading to cost reduction for water utilities
- Contribute to a circular economy approach
- Are available at TRL-level 7 or higher:

Innovation Partnership – TRL relation



TRL-levels (based on the EAFIP toolkit)

In the framework of the Alu Circles Initiative, a prior art analysis was performed both through the use of intelligent platform IPlytics (<https://www.iplytics.com/>) and the identification of relevant literature by technical experts¹ with the aim to gain insights into the available technology and methodologies to upcycling of drinking water residuals, to identify the active and innovative market players and to inform the tender documentation in the follow-up procurement.

To check if this information was correct and inform the market, Allied Water launched an Open Market Consultation (OMC), which started on the 2nd of September 2019 with its publication in the EU's Official Journal (TED) and its Report of Results was published on 30th June 2020.² The market consultation was organised in the form of a webinar and an online questionnaire.

The results of the market consultation regarding the technology readiness levels and maturity of existing

¹ See the Market Consultation documents at: <https://ted.europa.eu/udl?uri=TED:NOTICE:414264-2019:TEXT:EN:HTML&src=0>

² See the OMC Report of Results at: <https://ted.europa.eu/udl?uri=TED:NOTICE:309098-2020:TEXT:EN:HTML&src=0>

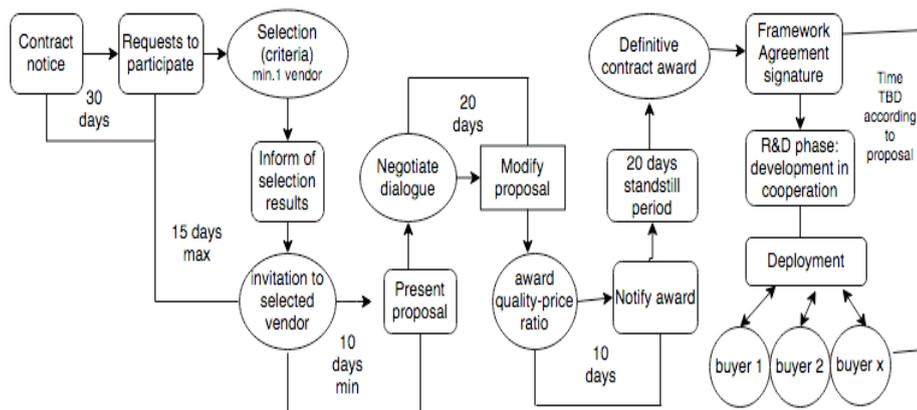
technologies informed the decision to choose a procedure which allows both for the development and deployment of solutions, since the proposed methodologies/solutions do not reach TRL 7, and only one pre-existing patent presents a methodology at TRL7³, which can be developed and tested in an operational environment (i.e. brought up to TRL 8/9) for further purchase by each water company.

Given that the Innovation Partnership procedure (regulated by the European Directives and Aanbestedingswet 2012 deel 3) bundles the R&D phase and the deployment of methods/solutions, it has been chosen as the procedure to develop and deploy solutions/methods/processes which can be qualified as so-called ‘specialised products’, as these solutions/methods/processes can be specially used by Contracting authorities operating in the water sector.

The Innovation Partnership will be used by *Alu Circles* for a co-creation process with water utilities and researchers in a multi-stage process. The procedure is based on the rules that apply to negotiated procedures with prior call for competition and Framework Agreements are awarded on the sole basis of the best price-quality ratio, which is most suitable for comparing tenders for innovative solutions.

The R&D phase will be partially paid by the public procurers, and the market party must bear the other part of the costs itself. The deployment phase will take place on the basis of a framework agreement by every participating water company, if they wish (there is no obligation to purchase the solution developed). The available budget, therefore, only extends to the R&D phase and do not comprise the deployment phase.

In addition, a multi-disciplinary approach has been set up to comprise legal, economic and technical expertise required for the proper implementation of the envisaged project.



Innovation Partnership award procedure flowchart

This Request for Candidacies (or ‘RFC’ – TD1) enables interested market operators to gain a clear idea of the services that the *Alu Circles Initiative* wishes to procure. Interested parties can submit a Request to Participate based on the instructions in this RFC. AquaMinerals will subsequently select the Candidates to submit Offers during the award phase. This RFC does not govern the award phase. AquaMinerals will distribute a Request for Proposals (or ‘RFP’ – TD2) to the selected Candidates, which will describe the award phase.

The RFC is made up of the following components:

PART 1: SCOPE OF THE FRAMEWORK AGREEMENT

The first part - for the purposes of this selection phase – entails a summary description of the nature and scope of the Framework Agreement. The information listed in this section only contains the most important elements of the Framework Agreement. This information is merely indicative and intended to assist the

³ The holder of the patent is Feralco AB. The relevant test and research have been published in (scientific) journals. Although the patent of 2005 is at present void, the method could be developed from TRL 7. <https://patentscope.wipo.int/search/en/detail.jsf?docId=WO2005037714>

Candidates in preparing the Request to Participate (PART 3). This data will be supplemented and/or explained in the Request for Proposals ('RFP' – TD2) during the next phase of the award procedure.

PART 2: THE SELECTION PHASE

This section aims to provide information about the selection phase, in particular:

- 1) The criteria on the basis of which the selection takes place.
- 2) The further course of the selection procedure.
- 3) Other conditions with respect to the selection procedure and the Request to Participate.

You can find the mandatory Request to Participate to be completed in **ANNEX 1**.

You can find the model form "commitment by a third party" in **ANNEX 2**.

PART 1: SCOPE OF THE FRAMEWORK AGREEMENT

1 Introduction

The following description of the scope of the Framework Agreement is indicative and only provided to interested undertakings in order to evaluate their interest in participating in the tender procedure. Candidates cannot derive any rights from this description. Only those economic operators (to a maximum of three) invited by the Contracting Entity following the assessment of the information provided may participate in the procedure.

The Public Buyers Group includes:

- AquaMinerals (NL) (acting as the lead procurer): Groningenhaven 7, 3433 PE Nieuwegein, The Netherlands.
- De Watergroep (BE): Vooruitgangstraat 189, 1030 Brussels, Belgium.
- Scottish Water (SCT): Leven KY9 1JU, United Kingdom

The *Alu Circles initiative* intends to purchase the R&D services and the deployment of solutions for the upcycling or recycling of aluminium based sludges from drinking water treatment. The solutions/methods/processes to be developed and deployed are qualified as so-called 'specialised products', as these solutions/methods/processes can be especially used in the water sector.

As a follow up of the market dialogue conducted by AquaMinerals and De Watergroep, a decision was taken to set up a joint procurement procedure to initiate an Innovation Partnership procedure which will follow the next steps:

1. Development of a design (as part of the award criteria of the procurement procedure);
2. Testing methods in a lab environment (if applicable);
3. Testing methods in a relevant pilot environment as a real live pilot application;
4. The deployment and implementation of solutions/methods/processes. In this case, after the R&D, each member of the buyers' group could have the option to purchase the resulting solutions/methods/processes, but is not obliged to do so.

The Contractor will develop a solution to upcycle or recycle the aluminium based sludges from drinking water treatment. Once the solution is developed, the members of the Public Buyers' Group will have the option to purchase it. The Contractor will be responsible for the further development, adaptation and maintenance of the system.

The Innovation Partnership has been chosen by the Lead procurer and the buyer's group as the most suitable procedure to tackle the challenges on alum sludge: targeting both the R&D of innovative methodologies and working methods for upcycling alum sludge (from TRL=7 upwards), as well as the foreseen possible deployment of the developed innovative methodologies and working processes in possibly three countries (the Netherlands, Belgium and the United Kingdom).

These innovative methodologies and working methods should result in a sustainable and circular upcycling of alum sludge. The underlying rationale is that based upon a solid Life Cycle Costing (LCC) approach the buyers group can act as an European and even international forerunner and initiator to speed up the market developments for the benefit of the buyers group and, last but not least, water companies in Europe and society.

Since the foreseen market potential of these innovative methodologies and working methods is not only European, but even international, there should be a clear interest, commitment and willingness to co-invest in the R&D thereof by the technology vendors. Since the buyers' group is willing to act as a future reference for the technology vendors, a successful commercialization of the outcome of the R&D to third parties shall be linked to a royalty-based scheme.

⚠ What are the benefits for the technology vendors?

1. Possibility to align and team up with water companies from three European countries to speed up the innovative market developments on the upcycling of alum sludge and to broaden its market share.
2. Possibility to align with water companies from three countries as launching customer for the deployment of the developed innovative methodologies and working methods.
3. Reference site for (other innovation) procurement projects from water companies in Europe and other regions.
4. Additional co-funding for the R&D/upscaling of the innovative solution, on top of the own investment by the technology vendor.

The *Alu Circles Initiative* envisages (indicatively) the following structure of Intellectual Property Rights (IPR) for the solution to upcycle or recycle the aluminium based sludges:

- Intellectual property rights relating to any pre-existing software or materials developed by the Contractor and incorporated into the solution are and shall remain the exclusive property of the Contractor (background IPR). The Contractor shall grant all the members of the Public Buyers Group a non-exclusive, worldwide, non-transferable, royalty-free license to use the incorporated Pre-existing Materials, for the entire duration of the Intellectual Property Rights concerned.
- In order to be able to distinguish clearly between results and pre-existing rights (and to establish which pre-existing rights are held by whom), the candidates will be requested to list the pre-existing rights for their proposed solution in their offers.
- In principle, the Contractor will need to make use of open source/publicly available materials (royalty free).
- The Contractor will keep ownership of the IPRs attached to the results it generates (foreground IPR). The tendered price is expected to take this IPR allocation into account. However, the Contracting Entities participating in this Innovation Partnership will be granted a non-exclusive, worldwide, non-transferable, royalty-free license to use internally the results of the R&D phase.
- During the Framework Agreement and as part of the deployment phase, the Contractor shall develop, prepare, and submit value engineering change proposals (VECP's). Value engineering is a contractual arrangement that requires the Contractor to identify and submit methods to optimise the value and the cost of the Framework Agreement. The Contractor shall attempt to add features that add value and/or eliminate, without impairing essential functions or characteristics, anything that increases acquisition, operation or support costs.
- At the outset, the Contractor will develop a minimum viable product, that will be further developed during the course of the Framework Agreement. The Contractor will be required to undertake specific activities beyond product development to commercially exploit the results, e.g. contribution to standardisation. The Contracting Entities participating in the Innovation Partnership will help to remove potential barriers for wider deployment of the innovative solutions, promoting the results of the Innovation Partnership among other public procurers and therefore, acting as a reference site.

The aim of developing a solution to upcycle or recycle the aluminium based sludges from drinking water treatment is twofold:

- 1) To reduce the environmental impact of the current alum sludge treatment, to implement a close to zero-waste approach and to shorten the gap to the final goal of a circular economy. This goal is in line with the Europe 2020 Strategy and with the European Green Deal.
- 2) To increase the efficiency of alum sludge management generating benefits for the water companies. The overall economics shall be more favourable as compared to the existing disposal of sludges.

Participants in the procedure have to take into account the possibility of publishing articles about the project in (non)scientific journals

2 Award procedure

The award procedure will be implemented via an Innovation Partnership, as described in section § 3.2.1.6 of the Dutch Public Procurement Law (Aanbestedingswet 2012).

The use of the Innovation Partnership is justified because, the Open Market Consultation (OMC) and the State-of-the-Art (SOTA) analysis have demonstrated that there is a need for an innovative solution which cannot be met by solutions already available on the market. Furthermore, it is understood that the solutions/methods/processes to be developed and deployed as part of the Innovation Partnership, can be qualified as so-called 'specialised products', as these solutions/methods/processes can be especially used in the water sector

Innovation Partnership allows the members of the Public Buyers Group to establish a long-term partnership for the development and subsequent purchase of a new, innovative product, service or works provided they correspond to the performance levels and maximum costs agreed between the contracting authorities and the participants, without the need for a separate procurement procedure for the purchase.⁴

The aimed solution is not an 'off the shelf' product. It is highly complex and requires an intense R&D phase. In view of this complexity, it is impossible to precisely establish all technical specifications. Feedback from the Tenderers during the award phase will allow to further develop the technical specifications (within the limits set out by public procurement law). Adding to its complexity is that its ultimate users are public entities from several countries.

The Framework Agreement also requires a complex legal set-up, that needs to clarify, among others the parties' roles and responsibilities during the different phases of the Framework Agreement (R&D phases and deployment phase) and the Intellectual Property Rights (IPR) and allocation. Consequently, the conditions to implement an Innovation Partnership, described in section § 3.2.1.6 of the Dutch Public Procurement Law (Aanbestedingswet 2012), are met.

The award procedure consists of a 'selection phase' and an 'award phase':

- 4) In the first phase (the selection phase), AquaMinerals (on behalf of the Public Buyers Group) will select suitable Candidates for the performance of the Framework Agreement, by means of grounds for exclusion, and selection criteria. In selecting candidates, criteria concerning the candidates' capacity in the field of research and development and of developing and implementing innovative solutions will be particularly taken in account. AquaMinerals will limit the number of Candidates meeting the selection criteria that they will invite to the award phase to five.
- 5) In the second phase (the award phase), AquaMinerals (on behalf of the Public Buyers Group) shall invite the selected Candidates to submit research and innovation projects aimed at meeting the needs identified by the contracting authority that cannot be met by existing solutions.
- 6) AquaMinerals shall award the Framework Agreement by comparing the Offers based on the award criteria. The Framework Agreement must be awarded to the most economically advantageous tender taking the best price-quality ratio into account.

AquaMinerals will award one Framework Agreement and different phase agreements per Contracting Entity. The Framework Agreement will follow the law of the respective Contracting Entity. The selected supplier will be asked to sign the following contracts:

- 1) A Framework Agreement under Dutch law with AquaMinerals.
- 2) A potential phase contract under Dutch law with AquaMinerals (if applicable) for testing methods in a lab environment.

⁴ See recitals 59 of Directive 2014/25/EU and 49 of the Directive 2014/24/EU.

- 3) A Framework Agreement under Belgian law with De Watergroep.
- 4) A Framework Agreement under UK law with Scottish Water.

Further details regarding the phase contracts with the different participating Contracting Entities will be provided in the Request for Proposals (TD2)

3 Duration of the Framework Agreement

The Framework Agreement, which will be signed after the end of the award procedure, concerns a period of 4 years, with the possibility for the members of the Public Buyers Group to extend the Framework Agreement 1 time for 2 more years. Accordingly, the potential total Framework Agreement term is 6 years.

The duration of the Framework Agreement is justified, taking into account the complexity of the subject matter of the Contact and the fact that the Contractor can only secure a sufficient Return On Investment over a period that is longer than 4 years, since there is also a need for co-investment from the Contractor for the R&D phase.

Depending on the outcome of the R&D phase, it is possible that there is a positive business case for some of the Contracting Entities, but not for all. Consequently, the Contracting Entities have the right, but not the obligation to conclude a phase contract for the deployment.

4 Estimated value of the Framework Agreement

The Framework Agreement has an estimated value of 5.000.000 euro per year (VAT excluded). This estimated value entails – indicatively – the maximum estimated value (net of VAT) of the research and development activities to take place during all stages of the envisaged partnership as well as of the supplies, services or works to be developed and procured at the end of the envisaged partnership. (I.e. the purchase of the R&D services and the deployment of solutions for the upcycling or recycling of aluminium based sludges from drinking water treatment).

AquaMinerals (on behalf of the Public Buyers Group) reserves the right to increase (or decrease), during the tender procedure, the estimated value of the Framework Agreement. The Candidates should take into account that the Framework Agreement value for the aforementioned services can be higher or lower. Consequently, the actual value of the Framework Agreement might be higher or lower than 5.000.000 euro per year (VAT excluded).

Candidates are reminded that this estimated value does not refer to a fixed price. AquaMinerals will compare the research and innovation projects submitted by the selected candidates using award criteria aimed at choosing the best price-quality ratio offer, as defined during the award phase.

PART 2: THE SELECTION PHASE

1 Definitions

Annex	Every annex to this RFC (which is an integral part thereof).
Alu Circles Initiative	The Alu Circles Initiative seeks to find solutions to upcycle or recycle alum sludge beyond the present state of the art and was initiated by AquaMinerals (NL), De Watergroep (BE) and Scottish Water (SCT).
Association	The Association of different natural persons or legal entities who unite (whether or not in the form of a temporary trade company without legal personality) to submit a joint Request to Participate

	and subsequently, after selection, submit a Tender, and whereby each member shall assume joint and several liability for the performance of the Framework Agreement.
Candidate	The company or, if it concerns an Association, the companies which (in accordance with the requirements of this RFC) wish to present themselves as Candidate for the Framework Agreement, or which prior to the deadline for the submission of a Request to Participate presents (present) itself (themselves) as Candidate.
Contract Notice	The announcement of the Innovation Partnership as sent to the Official Journal of the European Union on August 3 rd , 2020.
Contracting Authority	One of the members of the Public Buyers Group
Correcting Message	The clarifications, additions, comments and/or explanations to the RFC which AquaMinerals may publish in the course of this selection phase.
European Single Procurement Document (ESPD)	The standardised and updated self-declaration document, which the Candidate must complete and submit in the selection phase.
Identified Subcontractor	A legal entity or a natural person who is identified as subcontractor by name in the European Single Procurement Document and whose economic and financial capacity and/or technical competence the Candidate relies on.
Lead Procurer	Public Entity or Contracting Authority implementing the award procedure on behalf of other Public Entities and Contracting Authorities. In this case, AquaMinerals is the lead procurer.
Public Buyers Group (PBG)	Group of Contracting Entities including AquaMinerals (NL), De Watergroep (BE) and Scottish Water (SCT).
Tender	The bid a selected candidate submits for the Framework Agreement, during the course of the award phase.
Request for Candidacies or RFC (TD1)	This document, which relates to the selection phase of the award procedure (including all associated Annexes).
Request for Proposal or RFP (TD2)	The document, including all annexes, which will be provided to the selected Candidates after the selection phase and based upon which the selected Candidates may submit a Tender
Request to Participate	The request to participate in the tender procedure, which a Candidate submits based on this RFC.
Tenderer	The Candidate (selected on the basis of this RFC) who in the award phase wishes to submit a Tender, or who, prior to the deadline for the submission of the Tenders, submits one.
Contractor	The party who is identified by the Public Buyers Group for the performance of the contract, on the basis of its Tender, and with

	whom a Framework Agreement is concluded.
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2 Time schedule

The following planning is foreseen, but AquaMinerals reserves its rights to modify it according to its needs.

PLANNED TIME SCHEDULE	
DATE	ACTIVITY
3 rd August 2020	Publication of Contract Notice and Request for Candidacies.
20 th August 2020 (17:00)	Deadline to submit questions regarding the Request for Candidacies and ANNEXES.
27 th August 2020 (10:00-11:00)	Online webinar (Market Dialogue).
28 th August 2020	Deadline for AquaMinerals to answer questions submitted.
4 th September 2020 (17:00)	Deadline to submit request to participate in the tender procedure.
18 th September 2020	Provisional selection of candidates -maximum of five, minimum of one.
9 th October 2020	Final selection of candidates.
9 th October 2020	Publication of Request for Proposals. <i>*Start of the Request for Proposals phase</i>

** A detailed planning for the Request for Proposals phase will be published in the Request for Proposals. Foreseen closure of the Innovation Partnership award procedure will take place in November.*

3 Applicable rules

The Framework Agreement is subject to the general rules concerning public Framework Agreements, specific legislation regarding the subject of the Framework Agreement and all other laws which apply to the Framework Agreement. The Candidate, the Tenderer and later the Contractor must comply with these provisions, also to the extent these provisions would be changed and/or supplemented during the award procedure or the performance of the Framework Agreement.

The applicable rules concern the following (non-exhaustive list):

- Aanbestedingswet 2012;
- Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC Text with EEA relevance

The Candidate must have all required permissions, licenses and approvals that are necessary for the performance of the Framework Agreement and the resources it uses for such purpose. It is also responsible for the compliance with these terms by its Subcontractors.

Every Candidate is deemed to be familiar with the applicable regulatory provisions, and to accept and comply with such.

Candidates are reminded of the fact that, while these aforementioned rules apply to the Framework Agreement and the tender procedure, this RFC does not exhaustively describe their content. The rules are applicable regardless of them being explicitly mentioned in this RFC or not.

4 European Single Procurement Document (ESPD)

The European Single Procurement Document (ESPD) is a self-declaration which serves as provisional evidence that the Candidate does not find itself in a ground of exclusion, and that the Candidate meets the selection criteria.

AquaMinerals has created an ESPD in PDF version to facilitate interested candidates the signing and submission of this (scanned) document. To avoid any technical issues, Candidates can fill in the document manually and send it together with the Request to Participate.

⚠ For a valid Request to Participate, Candidates must add a completed European Single Procurement Document to their Request to Participate

Companies who want to present themselves as Candidate together with another person, must submit multiple, separated ESPDs. This is applicable in the following situations:

1. Candidacies by means of an Association: an ESPD for every member of the Association;
2. A Candidate that relies on the capacity of other entities (an Identified subcontractor or another entity) to meet the selection criteria: an ESPD for the Candidate and for the other entity(ies).

5 Terms and Conditions for participation: identity of the Candidate, grounds for exclusion and selection criteria

1) Associations

The Requests to Participate are submitted either by one single natural person or legal entity or by an Association.

⚠ *This section is only relevant if you plan to submit a Request to Participate for this Framework Agreement together with another entity and/or person. Of course, you are not required to conclude an Association, but forming an Association is an effective way of pooling the capacity and competencies required to execute the Framework Agreement.*

If an Association submits a Request to Participate:

- **All members of the Association must submit a separate European Single Procurement Document (ESPD). See Appendix 1 of ANNEX 1.**
- None of the members may find themselves in a ground for exclusion (see point 6 of section 5 of **PART 2**).
- (Unless mentioned otherwise) all obligations of a single enterprise which acts as Candidate, also apply to all individual members of the Association which acts as Candidate.
- The Request to Participate shall identify the member of the Association that acts as contact point for AquaMinerals. AquaMinerals will send notifications only to the contact person of the Candidate in the context of this award procedure.
- Each member of the Association is jointly and severally bound towards the Public Buyers Group.

- The Request to Participate must be signed by all members of the Association.

2) *Participation of Candidates from countries outside the European Union*

AquaMinerals (on behalf of the Public Buyers Group) reserves the right to request Candidates from non-EU, non-EFTA, non-GPA member States to provide with an extract of the international convention or the instrument of an international organisation that confirms their right to participate in the award procedure for this Framework Agreement, with due regard for the restrictions and conditions as provided in the convention or instrument. AquaMinerals (on behalf of the Public Buyers Group) reserves the right to grant those Candidates from countries, who cannot prove their right to participate in the award procedure, access to the tender procedure.

3) *Ability to rely on the capacity of other entities*

⚠ This section is only relevant if you wish to rely on the capacity of another entity (for example, its references of prior projects). If you have sufficient capacity on your own, you are of course not required to rely on the capacity of another person.

The Candidates may, to support their economic and financial standing and/or their technical ability, rely on the economic and financial standing or the technical ability of other entities, regardless of the legal nature of their relationship with those entities (e.g. subcontractors, companies that are member of the group of the Candidate). This may be necessary when the Candidate itself does not meet the selection criteria defined under point 8 of the current section 5 of **PART 2**.

In that case:

- The Candidate must answer the question in Section C (*Information about reliance on the capacities of other entities*) of Part II (*Information concerning the economic operator*) of the European Single Procurement Document.
- The third entities must meet the selection criteria concerned and cannot find themselves in a ground for exclusion.
- The Candidate must demonstrate to AquaMinerals that they will be able to rely on the necessary resources of this third entity for the performance of the Framework Agreement over its total duration, by submitting the commitment of this entity to provide the Candidate with the necessary resources. A template of such commitment is included in **ANNEX 2** of this RFC. The third-party entity must sign this commitment and the Candidate must add it to its Request to Participate. The Candidate must also submit the proxy or other document proving the power of the signatory of the commitment document.
- **The other entity(ies) whose capacity the Candidate relies on, must submit a separate European Single Procurement Document (ESPD), and thereby complete the following sections:**
 - Part II section A (“Information about the economic operator”)
 - Part II section B (“Information about the representatives of the economic operator”)
 - Part III (“Exclusion grounds”)

- Part IV (“Selection Criteria”), insofar relevant for the specific capacities the Candidate is relying on the entity.

- ⚠ Where a Candidate relies on the capacities of other entities with regard to criteria relating to economic and financial standing, the Candidate and those entities will be jointly liable for the execution of the Framework Agreement.
- ⚠ Where a Candidate relies on the capacities of other entities with regard to academic or professional qualifications, or relevant professional experience, those entities must perform the services for which these capacities are required.

The Contractor must ensure that the other entities it relies on are aware of all the elements which are important for the performance of the Framework Agreement, even if these elements are not expressly provided for in the RFC, the Request to Participate and, later, the Request for Proposals, the tender or the Framework Agreement. It must ensure a good coordination in the performance of the Framework Agreement.

4) **Subcontracting**

- ⚠ ***This section is only relevant if you wish to use a subcontractor for the performance of the Framework Agreement. Of course, you are not required to do so.***

A Contractor may have part of the Framework Agreement executed by subcontractors who have the required specific experience and the qualified personnel, as required to perform the work, services and/or deliveries that are entrusted to them.

The Contractor is solely and exclusively responsible towards the Public Buyers Group for the entirety of the Framework Agreement, including the part it may give to any subcontractors. The Contractor may not impose obligations on the Public Buyers Group in respect of third parties.

The Contractor must ensure that the subcontractors on which it relies are aware of all the elements that are important for the performance of the Framework Agreement, even if these elements are not expressly provided for in the RFC, the Request to Participate and, later, the Request for Proposals, the Offer or the Agreement. It must ensure a good coordination of the performance of the Framework Agreement.

5) **Changes to the identity of the Candidate during the award procedure**

Following the selection decision, selected Candidates are in principle not allowed to change their composition or identity. The same applies to the entity whose capacities the Candidate relies on.

In case such changes would be made or planned, the Candidate must immediately notify AquaMinerals. In certain exceptional cases, AquaMinerals (on behalf of the Public Buyers Group) has the right (but is not obliged) to allow such changes, if the following cumulative conditions are met:

- 1) The change is necessary in view of reasons made plausible by the Candidate.
- 2) The competitive position of the other Candidates is not undermined.
- 3) Subsequent to the change, the selection criteria are still met, and none of the exclusion grounds is applicable.
- 4) If entities are jointly liable based on the provisions of this RFC, then the new members of the Association, and/or the new entities whose capacities the Candidate relies on, must declare themselves jointly liable to the Buyers Group for the performance of the Candidate’s obligations;
- 5) AquaMinerals (on behalf of the Public Buyers Group) gives its prior written consent to the change.

If AquaMinerals (on behalf of the Public Buyers Group) refuses the change, it can exclude the Candidate that carries out the change in spite of the refusal. Every change request must be substantiated with the necessary documents. These documents must allow AquaMinerals to assess the impact of the change in an informed way.

6) Grounds for exclusion

AquaMinerals (on behalf of the Public Buyers Group) may or must exclude the Candidate from the award procedure for the Framework Agreement, in any stage of the procedure, if the Candidate finds itself in one of the grounds for exclusion listed in article 3.65 (2.86) of the Aanbestedingswet 2012 and article 57 of Directive 2014/24/EU (see referral from article 80(1) of Directive 2014/25/EU).

In this context, the Candidates must explicitly declare that they are not subject to any of the exclusion criteria by presenting a duly signed and stamped European Single Procurement Document (ESPD) together with their Request to Participate and include all relevant information. This document is a self-declaration of the Candidate that none of the grounds for exclusion are applicable.

Exclusion criteria	Evidence
<p>Exclusion grounds as defined in Directive 2014/24/EU:</p> <ul style="list-style-type: none"> • Grounds relating to criminal convictions • Grounds relating to the payment of taxes or social security contributions • Grounds of insolvency or professional misconduct 	<p>See Part 3. Appendix 1. ESPD</p> <p><i>*Subcontractors and Members of an Association must also comply with criteria and fill the ESPD.</i></p>
<p>Candidates will also be excluded if they are under a conflict of interest, as defined in article 42 of Directive 2014/25/EU.</p>	<p>See Part 3. Appendix 1. ESPD</p> <p><i>*Subcontractors and Members of an Association must also comply with criteria and fill the ESPD.</i></p>

⚠ Should there be any doubt as to any of these criteria, candidates may be requested to provide additional information and/or evidence.

⚠ Candidates that do not comply with these criteria will be excluded

⚠ The exclusion criteria will remain unchanged for the entire duration of the Innovation Partnership.

Please do not hesitate to pose questions with respect to these obligations before you submit your Request to Participate.

7) Self-cleaning mechanism

If the Candidate is in one of the exclusion grounds listed in article 2.86 of the Aanbestedingswet 2012 (article 57 of Directive 2014/24/EU), he may provide evidence that measures taken by the economic operator are sufficient to demonstrate its reliability despite this ground for exclusion. If such evidence is considered sufficient, AquaMineral won't exclude the Candidate from the procurement procedure. The Candidate cannot derive any rights from this.

For this purpose, the Candidate shall prove that it has paid or undertaken to pay compensation in respect of any damage caused by the criminal offence or misconduct, clarified the facts and circumstances in a comprehensive manner by actively collaborating with the investigating authorities and taken concrete technical, organisational and personnel measures that are appropriate to prevent further criminal offences

or misconduct.

8) *Minimum Selection Criteria*

Candidates that do not meet the minimum requirements specified below, will not be selected and shall be excluded from further participation in the award procedure.

The Selection Criteria consist of minimum requirements regarding:

- 1) Financial and economic standing
- 2) Technical and professional ability.

Minimum Selection criteria	Evidence
General	
Suitability to pursue the professional activity	Proof regarding enrolment in one of the professional or trade registers kept in their Member State of establishment.
Minimum requirements for financial and economic standing	
The Candidate has realized an average turnover of 10.000.000 EUR per year over the past 3 financial years.	Approved annual financial accounts for the past 3 financial years. <i>*The turnover of the Members of an Association can be aggregated.</i> <i>* The turnover of the Main Contractor and the subcontractor(s) can be aggregated.</i> <i>See ANNEX 2: MODEL FORM COMMITMENT THIRD PARTY ENTITY</i>
The Candidate has an average solvency ratio of at least 20% over the past 3 financial years (solvency ratio = total equity / total assets).	Approved annual financial accounts for the past 3 financial years.
The Candidate has an adequate insurance for professional liability (Contractual liability and extracontractual liability) with a coverage of minimum 1.000.000 EUR per event or series of related events up to a minimum amount of 1.000.000 EUR per year.	Applicable insurance policy and/or certificate
Minimum requirements regarding technical and professional ability	
R&D capabilities (Ability to perform R&D up to original development of the first products or services and to commercially exploit the results of the PCP, including intangible results in particular IPRs). Personnel.	Declaration of the capacity (Four CVs of engineers working for the Contractor in R&D).

<p>R&D capabilities (Ability to perform R&D up to original development of the first products or services and to commercially exploit the results of the PCP, including intangible results in particular IPRs). Facilities.</p>	<p>Description of the capacity, materials and equipment that are available to the tenderer for research, prototyping and limited production and supply of the first set of products or services.</p> <p>Self-declaration by the Candidate, in free format.</p>
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- ⚠ AquaMinerals reserves the right to check the references mentioned above. In case the submitted reference appears not to be in line with the above requirements, the Candidate can be excluded from further participation in the current procurement procedure, based on the exclusion ground of misrepresentation of information, in accordance with article 2.87 (h) of the Aanbestedingswet 2012 (article 57(4.h) of Directive 2014/24/EU).
- ⚠ AquaMinerals reserves the right to award a score of zero points for a given criterion when it is not possible to evaluate it, because of a lack of information.
- ⚠ The Candidates must present the supporting documentation regarding financial and economic standing simultaneously with their Request to Participate. If the Candidate is unable to provide the financial information requested by AquaMinerals for valid reasons, he must request AquaMinerals, no later than the deadline for submitting questions and comments about this Selection Document, to be allowed to demonstrate its economic and financial capacity with other documents. AquaMinerals will decide if these documents are suitable. Minimum requirements regarding technical and professional ability
- ⚠ These supporting documents must be presented with respect to the Candidate **and** to any Identified subcontractors/third party entities **if the Candidate relies on their financial and economic standing and/or on their technical ability.**

9) Selection Criteria - bonus points

Selection criteria- bonus points	
Selection criteria	Evidence
<p>The Candidate provides at least one (1) reference which proves that he performed an R&D activity related to upcycling and/or recycling in the past five years prior to the Framework Agreement Notice for the Framework Agreement.</p>	<p>Self-declaration by the Candidate, including description of the reference project in reference standard self-declaration form. See Appendix 4 of ANNEX 1.</p>
<p>The Candidate provides at least one (1) reference which proves that he has processed and/or managed secondary raw materials with the minimum volume of 10.000 tones in two out of these three Member States, per Member State: Belgium, the Netherlands and UK. In the past three years prior to the Framework Agreement.</p>	<p>Self-declaration by the Candidate, including description of the reference project in reference standard self-declaration form. See Appendix 4 of ANNEX 1.</p>

<p>The Candidate provides at least one (1) reference which proves that he has co-financed together with its customer an R&D project for at least 50% of the total cost of the R&D projects.</p>	<p>Self-declaration by the Candidate, including description of the reference project in reference standard self-declaration form. See Appendix 4 of ANNEX 1.</p>
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**If the tenderer is able to provide with a satisfaction statement signed by customer, he will automatically receive 5 points. Otherwise he will receive 0 points.*

- ⚠ In case of an Association or in case of a main Contractor/subcontractor, the party that executes the part of the project to which each reference described above applies, must provide the evidence. In case several members of the Association would jointly implement the part of the project to which the above minimum requirements apply, they must each submit the evidence separately.
- ⚠ AquaMinerals reserves the right to check the references mentioned above. In case the submitted reference appears not to be in line with the above requirements, the Candidate can be excluded from further participation in the current procurement procedure, based on the exclusion ground of misrepresentation of information, in accordance with article 2.87 (h) of the Aanbestedingswet 2012 (article 57(4.h) of Directive 2014/24/EU).

10) Award criteria

This part concerns the second phase (the award phase), in particular the evaluation of the tenders of the selected candidates. The Request to Participate in this phase of the award procedure will not be evaluated on the basis of the award criteria, but on the basis of abovementioned qualitative selection criteria.

During the award phase, AquaMinerals will determine the Most Economically Advantageous Tender taking into account the best price-quality ratio. The award criteria will be described in detail in the Request for tender (TD2) document.

Indicatively, and only to assess if a Candidate wishes to submit a Request to Participate, AquaMinerals can already inform that he will, inter alia, take into account:

- Price - LCC.
- Method proposed - Project plan and initial design study.
- Testing and demonstration procedure.
- Likelihood of successful upscaling.
- The TRL level of the R&D solution must be TRL7 and/or TRL8.

6 Further course of the selection procedure

1) Q & A

The Candidates may ask questions about this RFC. These questions must be submitted by email, no later than August 20th, 2020 at 10:00 Central European Time (CET), to the contact person of AquaMinerals (nicoline.scholman@alliedwaters.com). The Candidate must be able to prove that the questions were submitted on time.

AquaMinerals will only reply to questions of a general nature and which could lead to further clarification of the content of this RFC. Questions or comments that do not aim for mere clarification of the RFC, or for additional information, and which would imply a certain discussion or negotiation regarding certain parts of the RFC, as well as questions submitted after the deadline, shall not, in principle, be answered. The questions and/or comments must be submitted in one batch per Candidate and will only be answered in writing if relevant for the Framework Agreement.

After submitting the answers to the questions, the RFC shall be final. Consequently, Candidates are advised to use this opportunity to request information. If the Candidate does not pose questions, then everything is deemed to be clear to this Candidate.

2) Exclusion from participation (Completeness and formal regularity of the Requests to Participate - Application of the grounds for exclusion and the qualitative selection)

AquaMinerals reserves the right to reject the Requests to Participate in the following cases:

- any incorrect or incomplete Request to Participate;
- any Request to Participate from a Candidate to which a ground for exclusion is applicable;
- any Request to Participate of a Candidate that does not meet the qualitative selection criteria.

3) Opportunity to verify the statements in the ESPD and to ask for additional information

AquaMinerals shall verify the submitted European Single Procurement Document (ESPD) as well as any other submitted statement or information at any time and by any means necessary. By participating in the award procedure and the submission of a Request to Participate, the Candidates agree that AquaMinerals (on behalf of the Public Buyers Group) or its designated third party can verify the statements and information for accuracy.

AquaMinerals reserves the right, in each stage of the award procedure, to ask for additional information and to check whether a Candidate still meets the selection criteria or does not find itself in a ground for exclusion. If it should become apparent that a Candidate no longer complies, the Candidate will be still excluded.

The Candidates will provide all information upon first request of AquaMinerals. If the Candidate does not respond, it can be excluded from the award procedure.

4) Discontinuation or suspension of the award procedure

AquaMinerals reserves the right to terminate the award procedure for this Framework Agreement, since the organisation of the award procedure by no means constitutes an obligation to award or conclude the Framework Agreement.

AquaMinerals reserves the right to suspend the award procedure.

Such whole or partial termination of the procedure does not give the Candidates any right to any compensation or other claim.

5) Additions, clarifications and changes to the RFC

AquaMinerals can make additions, clarifications or changes to the RFC during the selection phase, by way of Correcting Messages.

These additions, clarifications or changes will be considered part of the RFC. Candidates are deemed to be informed about their content, and they are bound to take them into account when drafting their Request to Participate.

6) Consent by the Candidates

By submitting the Request to Participate, the Candidate unconditionally accepts the content of the RFC, including the implementation of the award procedure as described in the RFC.

In case the Candidate has an objection against the content of the RFC, the Candidate is required to notify

such objection in writing to AquaMinerals, at the latest on August 20th, 2020 at 10:00 CET, by way of an e-mail with notice of receipt to the e-mail: nicoline.scholman@alliedwaters.com. The e-mail will explain the reasons for the objection.

The Candidate is required to notify AquaMinerals in the same way with respect to errors and/or omissions in this RFC and even if these errors and/or omissions would not prevent the Candidate from submitting a Request to Participate, or AquaMinerals to evaluate the Requests to Participate in accordance with the principle of non-discrimination and transparency.

The Candidate bears the risk of the aforementioned obligation. If the Candidate does not notify AquaMinerals of its objections, or the errors and/or omissions the Candidate has identified before the aforementioned deadline, the Candidate cannot rely on them at a later point in time. In other words, disrespecting the deadline means a loss of right.

7) Liability of the Public Buyers Group

The Public Buyers Group does not offer any guarantee, neither implicit nor express, with regard to the accuracy, completeness or accuracy of the information in this RFC or any other information which would be provided by AquaMinerals at a later time, which shall remain fully for the risk of the selected Candidate. Consequently, it rejects any liability, of any kind whatsoever, for any damage or loss the Candidate may suffer as a result of the use of this document, the amendments thereof or the information contained in it, the fact that the Candidate would have relied on this information or the absence, irrelevance or the interpretation of certain information in this document. The same lack of liability applies for the members of the Public Buyers Group *vis-à-vis* the Candidate.

8) Costs

The Candidate shall bear all costs it incurs in the context of the award procedure and is not entitled to reimbursement of expenses incurred for the participation in the award procedure.

9) Confidentiality and property

All information, verbal or written, which is or shall be provided by or on behalf of the members of the Public Buyers Group in the context of this award procedure, must be treated as confidential and should not be disclosed to third parties without prior consent of AquaMinerals.

The following shall not be considered as third parties in the context of this award procedure: the staff or any subcontractors of the Candidate who require the abovementioned documents for the preparation and submission of the Request to Participate. For the avoidance of doubt, AquaMinerals is allowed to verify the references submitted by the Candidate in his Request to Participate, as provided for in section 5 point 8 of **PART 2** of the RFC, with the client for the reference project, or another involved party.

All documents which AquaMinerals provides or makes available in any form to the Candidates, as well as any copy or reproduction thereof, are and shall remain the property of AquaMinerals and must be returned by the Candidate, either at the end of the award procedure or at the simple request of AquaMinerals.

The records and documents submitted by the Candidates to AquaMinerals will be provided free of charge for AquaMinerals. The members of the Public Buyers Group shall have free access to this, in the context of the award procedure.

On the other hand, the members of the Public Buyers Group shall not reveal to the other participants (if applicable) confidential information communicated by a candidate participating in the negotiations without its agreement, nor reveal to the other partners (if applicable) solutions proposed or other confidential information communicated by a partner in the framework of the partnership without that partner's agreement. Such agreement shall not take the form of a general waiver but shall be given with reference to the intended communication of specific information.

10) Procedures for appeal

Any legal claim, petition or application for judicial review, with regard to the present procurement procedure, shall be lodged solely within the 20 calendar days after the contested decision before the competent court in Utrecht (arrondissement Midden-Nederland).

This period of 20 calendar days is an expiry period. This means that if an economic operator has not brought any action before the competent court in Utrecht within this period, the objections made later on by this economic operator won't be admissible. I.e. the economic operator renounces to his rights to challenge a decision made by the Lead Procurer on behalf of the Public Buyers, if he doesn't lodge its claim during this period of 20 days. AquaMinerals is then free to (further) follow up on its decision. Any requests for (further) motivation of the decision do not suspend this objection period.

This expiry period also precludes an economic operator who has not timely lodged a claim from joining an action brought by another economic operator.

If the competent court deems it reasonable to start summary proceedings, AquaMinerals will await the decision of the court before implementing the disputed part of the decision. AquaMinerals remains entitled (but not obliged) to implement the undisputed part of the decision. After the outcome of the summary proceedings, AquaMinerals will decide how to deal with this outcome.

⚠ Please note, AquaMinerals (on behalf of the Contracting Authorities), expressly offers the opportunity to interested market parties to object to:

- ✓ The decision and the substantiation to enter into an Innovation Partnership
- ✓ The fact that AquaMinerals acts as lead procurer in this context.
- ✓ The fact that AquaMinerals has just published the Contract Notice directly on TED.
- ✓ The fact that the only contact point - and related communication - is via e-mail.
- ✓ The fact that AquaMinerals is facilitating the Candidates the use of a manually filled-in ESPD in PDF.

By instituting summary proceedings before the competent court in Utrecht (arrondissement Midden-Nederland), The Netherlands, within 20 calendar days of the date of publication of this document in TED. This means that the summons must be served to AquaMinerals within the aforementioned period of 20 calendar days. This period of 20 calendar days is an expiry period.

7 Contact with AquaMinerals and submission of the Request to Participate

1) *Point of contact and communication regarding the Framework Agreement*

- *Point of contact* - All correspondence (verbally, in writing, digital, ...) and questions related to the RFC, and during the award phase, the Request for Proposals, must be addressed to the contact person of AquaMinerals listed below:

Nicoline Scholman
nicoline.scholman@alliedwaters.com

- *Language* - The written and verbal contacts with AquaMinerals take place in English.

2) **Submission Request to Participate**

MANNER OF SUBMISSION

The Requests to Participate must be submitted electronically no later than September 4th, 2020 at 17:00 CET to the email of the contact person above mentioned: nicoline.scholman@alliedwaters.com.

It is not permitted to:

- submit a Request to Participate on paper in addition to the electronic submission;
- submit more than one (1) electronic Request to Participate.

The Request to Participate must be prepared in a common file format (i.e. PDF, MS Office, Open Office or equivalent).

FORM

The Request to Participate should contain the order of information and documents -duly signed- such as provided for in **ANNEX 1** of this RFC, supplemented (if applicable) with the commitments regarding the capacity of third parties (for a model, see **ANNEX 2**) and other documents which are mandatory pursuant to this RFC. The Request to Participate must be complete.

- ⚠ The Request to Participate and the ESPD have to be signed by the persons qualified or authorised to represent the Candidate. If a Candidate is an Association, the Request to Participate must be signed by the person(s) that are qualified or authorised to represent each member of the Association.
- ⚠ The necessary documents must be attached to the Request to Participate which show the authority of the aforementioned person(s) (extracts of the Articles of Association, appointment decisions, power of attorney, ...). I.e. if an authorised agent signs the ESPD, a document listing his powers/capacities, as well as the identity of its principal(s), should be sent along with the ESPD.)

3) **Contact person**

In order to make the communication as efficient as possible, AquaMinerals requests a single contact person to communicate with each Candidate. The name, the address, the phone number and email address of this contact person must be listed in the Request to Participate.

4) **Selection procedure**

AquaMinerals wants to limit the number of suitable Candidates to be invited to the Award phase to 5.

Only Candidates who have submitted in a timely and correct manner the Request to Participate with the supporting documents, who are not under exclusion grounds as stated in PART 2, section 5, point 6 and who meet the Minimum Selection Criteria as stated in PART 2, section 5, point 8, will be taken into account. Among them, the ones who, according to the Selection Criteria -bonus points as stated in PART 2, section 5, point 9, receive the highest score will be selected.

If the number of Candidates eligible for selection is less than 5, AquaMinerals reserves the right to continue the procedure with the number of Candidates eligible for selection.

If two or more Candidates receive an equal number of points with the result that more than one Candidate is in fifth place and is therefore eligible for invitation to the Award phase, the Candidate who has obtained the highest score in Selection Criterion - bonus points:

The Candidate provides at least one (1) reference which proves that he performed an R&D activity related to upcycling and/or recycling in the past five years prior to the Framework Agreement Notice for the Framework Agreement.

will be invited to submit a tender. In the event that more than one Candidate still ends up with the same

number of points, the Candidate who has obtained the highest score in Selection Criterion - bonus points:

The Candidate provides at least one (1) reference which proves that he has processed and/or managed secondary raw materials with the minimum volume of 10.000 tons in two out of these three Member States, per Member State: Belgium, the Netherlands and UK. In the past three years prior to the Framework Agreement.

will be invited to submit a tender. In the case that more than one Candidate still ends up with an equal number of points, a draw will decide which Candidate is invited to submit a tender. The Candidates concerned will be notified with sufficient time that a draw will take place and where, when and by whom the draw will be carried out. The Candidate is authorized to be present in person or with an authorized representative.

AquaMinerals will inform the Candidates as soon as possible of the Selection Decision, including the reasons why it may have decided not to select the Candidate or to restart or terminate the procedure.

The notification of AquaMineral's Selection Decision will explain the reasons for that decision. This includes:

- The name of the selected Candidate(s).
- The total score and scores on the various sub-criteria of both the rejected Candidate and the selected Candidate(s).
- The reasons why the rejected Candidate has achieved a certain score on specific criteria.
- In abstract terms, the reason why the selected Candidate(s) have been chosen.

The Contracting Authority will not disclose company confidential information to the rejected Candidate in the notification of its Selection Decision. Company confidential information includes the following information:

- The assessments performed by the individual assessors.
- The evaluation reports of the Candidates, including those of the selected Candidate(s).
- The reasons why the selected Candidate (s) has/have achieved certain scores on specific criteria.

No rights can be derived from the Selection Decision. AquaMinerals can therefore modify its Provisional Selection Decision until the Final Selection Decision is published. Candidates do not have the right to any compensation as results of these modifications. Amendments can be introduced if AquaMinerals has discovered by itself defects in the assessment procedure or has been informed about errors as a result of an objection from a Candidate. AquaMinerals won't have to wait for the outcome of any summary proceedings that have been brought to withdraw or amend a Selection Decision.

Candidates have 10 days from the date of the notification of the provisional selection to the final selection decision to ask questions and/or to initiating summary against the Provisional Selection Decision. The Candidate is requested to inform AquaMinerals in good time of the initiation of summary proceedings.

If a Candidate does not agree with the Provisional Selection Decision, he must bring summary proceedings against it within ten days after the date of its notification. This means that the summons must be notified to AquaMinerals within those ten days. After this expiry period, the Candidate is deemed to have no objections to the Provisional Selection Decision and the Contracting Authority will be able to notify the Final Selection. Rejected Candidates will have processed their rights to file a claim for compensation.

If AquaMinerals is unsuccessful in interim relief proceedings or if it one or more selected Candidates must still be excluded or withdraw themselves, the Contracting Authority is authorized to rank the successive Candidate (no.6, 7, 8, etc.) for the award phase. In that case, the AquaMinerals is not obliged to re-evaluate the Requests to Participate or to organize a new tender procedure.

5) Checklist of documents and proof

Overview tender documents:	Action to be taken by tenderer:
TD1- Request for Candidacies (this document)	By submission of a Request to Participate, all requirements mentioned in this document will be accepted by the tenderer.
TD2 – Request for Proposals	Only candidates who are selected after submitting a Request to Participate will be invited to submit a Tender after publication of the Request for Proposals.
ANNEX 1 – Request to Participate form	To be filled in, signed and submitted by Candidate in order to participate in the award procedure.
Appendix 1 of ANNEX 1. ESPD	To be filled in, signed and submitted by the Candidate, by the participants in an Association (if applicable) and/or subcontractors (if applicable) as part of the Request to Participate.
Appendix 2 of ANNEX 1. Supporting documents regarding the financial and economic standing and the technical and professional ability	To be submitted by the Candidate, by the participants in an Association (if applicable) and/or subcontractors (if applicable) as part of the Request to Participate.
Appendix 3 of ANNEX 1. Supporting documents regarding the selection criteria- bonus points	To be submitted by the Candidate, by the participants in an Association (if applicable) and/or subcontractors (if applicable) as part of the Request to Participate.
ANNEX 2: Model form commitment third party entity	To be filled in, signed and submitted by the third party.

ANNEX 1: REQUEST TO PARTICIPATE

REQUEST TO PARTICIPATE: UPCYCLE OR RECYCLE ALUMINIUM BASED SLUDGES FROM DRINKING WATER TREATMENT

INNOVATION PARTNERSHIP

Participation form

Mandatory for the submission of a Request to Participate

IDENTITY OF THE CANDIDATE

CANDIDATE NAME:	
Legal form:	

CONTACT DETAILS OF THE CANDIDATE

NAME CONTACT PERSON	
Phone:	
Email address	

Appendix 1. European Single Procurement Document

Please add the entire ESPD to the Request to Participate. See Part 2, Section 4 of the Request for Candidacies (TD1). AquaMinerals requests interested Candidates to manually fill-in the attached ESPD in PDF version, scan it and submit it with the Request to Participate.

Appendix 2. Supporting documents regarding the financial and economic standing and the technical and professional ability (see Part 2, Section 5, point 8)

	Supporting document
1.	Proof regarding enrolment in one of the professional or trade registers kept in their Member State of establishment.
2.	Extracts of the approved annual financial accounts for the past 3 financial years
3.	Applicable insurance policy and/or certificate
4.	Declaration of the capacity (Four CVs of engineers working for the Contractor).

5.	Description of the capacity, materials and equipment that are available to the tenderer for research, prototyping and limited production and supply of the first set of products or services. Self-declaration by the Candidate, in free format.
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Appendix 3. Supporting documents regarding the selection criteria- bonus points (see Part 2, Section 5, point 8)

	Supporting document
1.	Self-declaration by the Candidate, including description of the reference project in free format

Appendix 4. Reference standard self-declaration form

Project name	
Period of execution	
Start and end date	
Contracting authority or private client for which the project was executed	
Contact person at the contracting authority/private client (name, e-mail, telephone)	
Project value	
Description of the project	
Please state how the reference complies with the requirements determined in the RFC	
Other relevant information or further additions to the explanations for the compliance with the selection criteria	
If contract was terminated prematurely, please state the reason	

Signature (Place and date)

*AquaMinerals reminds you that where a signature is requested, **the relevant document must be validly signed by a duly authorized person(s)**. The signature must be from a staff member or staff members who according to the extract from the professional register or trade register is authorized to represent the Tenderer. If a document is signed by a person not listed in the professional register or trade register, an adequate proxy must be attached. Such a proxy must be signed by a person or persons who according to the extract from the trade register or the professional register or according to the articles of association are authorized to represent and bind the Company. The proxy must clearly state that the proxy holder is authorized to represent the company in connection with this tender.

ANNEX 2: MODEL FORM COMMITMENT THIRD PARTY ENTITY

PUBLIC FRAMEWORK AGREEMENT TO UPCYCLE OR RECYCLE ALUMINIUM BASED SLUDGES FROM DRINKING WATER TREATMENT

Reference: X

The [name subcontractor or other entity], with company number [*] and office address at [place], represented by [insert name and capacity representative]⁵, concerning the award of public procurement in the classical sectors, commits to provide the resources necessary for the performance of this Framework Agreement as mentioned in the title above (and with reference [...]), for the full term of that Framework Agreement, to [Candidate name]:

[describe which resources the subcontractor or other entity exactly commits for the performance of the Framework Agreement]

Prepared in [city] on [date]

[Signature]

[Name representative]
representative]

[Title/capacity

⁵ Add proof of powers of representation.