Appendix 3. Internal Assessment Protocol

AKTE VAN DEPOT

1 Ridderspoorweg 6, goedgekeurd de invoeging van 1 woord, 1 cijfer en 1 letter in regel 4

Heden, een mei tweeduizend één, is voor mij, mr. Cornelis Adrianus de---------
Zeeuw, notaris te 's-Gravenhage, verschenen: ---------------------------------------
de heer drs. Sebastiaan Sander Bökenkamp, rijksambtenaar, wonende te-------
(2565 AL) 's-Gravenhage, geboren te Voorburg op zestien april ------------------
negentienhonderdeenenzeventig, ongehuwd en niet als partner geregistreerd,
van wie de identiteit is vastgesteld aan de hand van een rijbewijs met----------
nummer 3187548516, te dezen handelend in zijn hoedanigheid van-------------
mondeling gevolmachtigde van de Minister van Verkeer en Waterstaat en------
aldus **de Staat der Nederlanden** rechtsgeldig vertegenwoordigende. -------------
De comparant, handelend als gemeld, heeft verklaard aan mij, notaris, na te --
melden akten in de zin van artikel 183, eerste lid, van het Wetboek van--------
Burgerlijke Rechtsvordering aan te bieden, met het verzoek deze stukken in ---
mijn protocol op te nemen, te weten: --

1. één document getiteld: Internal Assessment Protocol HSL-Zuid ------------
   Transport Contracts - Evaluation procedure; -----------------------------------
   versiedatum: een mei tweeduizend één; ---------------------------------------
   kenmerk: 209014; ---
   opgesteld door: Mirjam Bos; ---
   beschrijving: het Internal Assessment Protocol beschrijft het proces en --
   de organisatie van het beoordelen van de biedingen voor het vervoer-----
   over de HSL-Zuid op basis van de Invitation to Tender TOC van vijftien--

december tweeduizend; ---

2. één document getiteld: Internal Assessment Protocol HSL-Zuid Rolling --- Stock contracts evaluation of ITT Phase 1 Bids; ---------------------------------
versiedatum: een mei tweeduizend één; ---
kenmerk: 212768; --
opgesteld door: Lion Wildenburg; --
beschrijving: het Internal Assessment Protocol beschrijft het proces en -- de organisatie voor de beoordeling van de aanbiedingen voor rollend ----- materieel op basis van de Invitation to Tender Rolling Stock van ---------- eenendertig januari tweeduizend één; ---
3. één document getiteld: Referentiepositie HSL-Zuid;------------------------------
versiedatum: een mei tweeduizend één; ---
kenmerk: 212770; --
opgesteld door: Roel Testroote; ---
beschrijving: het document beschrijft de referentiepositie van de HSL- --- Zuid dat is opgebouwd uit een aantal verschillende documenten.-----------

Ik, notaris, heb kennis genomen van de inhoud van de aan mij aangeboden ---- stukken, welke stukken aan deze akte zullen worden gehecht en daardoor ----- zullen worden opgenomen in mijn protocol. ---

Van het bestaan van de gemelde mondelinge volmacht is mij, notaris, ---------- genoegzaam gebleken. --

De comparant is mij, notaris, bekend.---

WAARVAN AKTE in minuut is verleden te Utrecht op de datum in het hoofd -- dezer akte vermeld. --

Na mededeling van de zakelijke inhoud van deze akte aan de comparant en --- het geven van een toelichting daarop, heeft de comparant verklaard tijdig ------ voor het verlijden van deze akte gelegenheid te hebben gehad om van de ------ inhoud van deze akte kennis te nemen en daarvan ook kennis te hebben ------ genomen, met de inhoud van deze akte in te stemmen en op volledige --------- voorlezing daarvan geen prijs te stellen.---

Onmiddellijk na voorlezing van in elk geval die gedeelten van deze akte,--------

waarvan de wet voorlezing verplicht stelt, is deze akte vervolgens eerst door-de comparant en onmiddellijk daarna door mij, notaris, ondertekend om zestien uur en twintig minuten.

1 Introduction

This document describes the procedure and the scoring method, which are to be followed in order to select those Tenderers that have a qualitative and financially sufficient Bid and invite these Tenderers for the next phase (Negotiation Phase) in the tender for the HSL-Zuid Transport contracts.
The selection should be carried out in a non discriminatory way, and should to be transparent and auditable.

In as far as applicable the same definitions apply as used in the Qualification Document (QD, 17 July 2000) and the Invitation to Tender (ITT, 15 December 2000).

Aim
The evaluation procedure of the Bids is designed to select the Tenderers which have submitted a qualitative and financially sufficient Bid to the Negotiation Phase. The Tender will proceed into the next phase if at least two Tenderers submit a sufficient Bid and the State is convinced that there will be sufficient competitive tension during the Negotiation Phase. Moreover, the State reserves the right to select more than two Tenderers in case the difference between the Bids is very small. A Bid will be found sufficient in terms of:

- quality: has the Bid passed the completeness and compliance check (including the feasibility); and
- finance: is the Financial Bid for the Base Case at least 100 million Euro per year (with discounts for the first 4 years).
  (Refer also to page 37 of the ITT.)

International/Domestic/Combined
The ITT is written from the viewpoint of a combined (domestic and international) operation. However Tenderers will also submit Financial Bids for Domestic and International services separately. In principle the two Tenderers with the highest overall scores on the combined services will be invited for the Negotiation Phase. If, however, the assessment of the Bids points out clearly that apart from the highest ranked Tenderer for the combined contract, the State can obtain more value through inviting one other Tenderer for Domestic services and another for International Services, the State will apply the procedure as set out in the ITT (page 37 and 38).

2 Evaluation Procedure

2.1 Steps of the Evaluation Procedure

The Evaluation Procedure will be conducted by going through the following steps:

Step 1. Assessment of Bids for completeness.
Step 2. Assessment of Bids for compliance and feasibility.
Step 3. Assessment of Bids for overall feasibility and key service parameters
Step 4. Relative assessment of Bids (ranking) by Assessment Teams.
Step 5. Scoring of Bids by Review Team.
Step 6. Recommendation by Review Team to the Project Director.
Step 7. Advice of the Tender Board and the State Attorney.
Step 8. Recommendation by Project Director to Minister of Transport and Minister of Finance.
Step 9. Decision by Minister of Transport and Minister of Finance.

Some of these steps can be undertaken consecutively or concurrently. To limit the work required, and the number of times each document needs to be read, the Bids will first be assessed against Step 1 by a designated Assessment Team (Team 1). Those Tenderers passing these criteria are subsequently evaluated concurrently against the requirements for compliance and feasibility by the designated Assessment Teams 2 A and 2 B.

In practice, a rapid decision will be required about those candidates passing the completeness, compliance and feasibility checks (Steps 1 and 2) and those that are to be excluded. We need to be sure that such decisions can be made quickly (but still taking into account the qualitative standards set for the evaluation). The indicative timetable provides for 7 working days, although Step 2 can commence concurrently with Step 1 with the risk that some abortive work may be undertaken should an Tenderer be excluded.

3 Assessment Teams, Review Team and Back Office Team

3.1 General requirements

The ITT mentions that the Bids will be evaluated by Assessment Teams consisting of internal and external experts. These teams will assess the Bids on completeness and compliance:

- The Bids have to be complete and in line with the format and general aspects as stated in the bid instructions. Bids which prove to be not complete, will not be taken into account.
- The Bids will be checked for compliance with the Base Case, the Variants and the Tender terms and conditions. The feasibility of the Bid will also be evaluated as part of the compliance check. Bids on the Base Case and each of the Variants that are non compliant will get no points.

Besides the feasibility of the Business plan in general, the Bids will be evaluated on 3 key service parameters:

1. seat change;
2. affordability; and
3. attributable punctuality.

The evaluation of the Bids on the aspects of compliance and feasibility will be carried out separately by two multidisciplinary Assessment Teams. The same disciplines (legal, finance, commercial and 'train-knowledge') will be represented in both Teams.

The respective Assessment Teams, including the Back Office Teams and the Review Team, are described in this Protocol. Each team will carry out the assessment (or activities) in the categories attributed to them, according to the procedure described in this Protocol.

The Assessment Teams are based on the following principles:

- the Teams will consist of experts on the relevant aspects (legal, finance, commercial and 'train-knowledge');
- a person can only be member of one Assessment Team (with the exception of Team 1);
- the Teams will have no members of the Assessment Teams of the rolling stock tender;
- the Teams will not consists of persons involved in the procedure of deciding which Variant should be selected for the Negotiations phase;
- the persons of the Assessment Teams will act in the spirit of the Tender and in accordance with the Protocol;
- the members of the Assessment Teams will act confidentially, objective and fair.

The Assessment Teams should treat the Bids equally and consistently while assessing these in the specific categories. The Assessment Teams will report their findings to the Review Team and will take into account all instructions and clarifications issued by the Review Team. Specific procedural instructions are provided in this Protocol. The Assessment Teams have made themselves familiar with the evaluation systems during the kick off meeting of 24 April 2001.

The composition of these teams shall not be changed unless required by the Review Team.
The designated Assessment Teams are:

- Team 1 - Completeness

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- Team 2 A and 2 B - Compliance and Feasibility, including overall feasibility and key service parameters

3.2 Assessment Team 1

Participants

- Koen Wijnands
- Lisa Liem
- Bart Meijs

Tasks

The three participants check if the Tenderers have fulfilled the criteria on completeness as set out in the ITT. Forms A.1 and A.2 will be used by this Team. The first two participants (Koen Wijnands and Lisa Liem will check the paper version of the Bids and the third participant (Bart Meijs) will check the requested electronically submission. They may decide to request explanatory information or the submittal of missing information. This will go through the Review Team.

The Review Team will decide upon further actions to be taken, for example whether or not explanatory information will be requested.

Planning

The check of the paper version of the Bids will be carried out directly after the submission of the Bid. Duration 1 day. For the completeness check of the electronic data, the period 2 May to 7 May is scheduled.

3.3 Assessment Team 2 A and 2 B

Participants

Expertise	Assessment Team 2 A	Assessment Team 2 B
Legal	Lisa Liem	Koen Wijnands
Finance	Paul Swanenvleugel	Wout Korving
'Train-knowledge' - Punctuality (rolling stock)	Kees van Krieken	Gordon Bird
'Train-knowledge' - Seat chance	Roelof-Jan Molenmaker	Peter van der Wilk
Commercial - Low fare segment	Peter Bosman	Fons Kop
Facilitator	Wiebe Witteveen	Bas Bökenkamp

Tasks

The two Teams will judge separately the compliance and feasibility and rank the Tenderers amongst each other. Their written advice is to be conducted by the *'facilitator'* and sent to the Review Team. The correspondence with the Back office Team and the Review Team will be formalised by using standard formats. The Review Team will then decide what to do in case differences between the Teams occur.

The members of the Assessment Team might choose a *'spokesman'*. This person will for example, in case required, discuss findings of the Assessment Team with the Review Team.

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The *'facilitator'* is responsible for the correspondence also between the Assessment Team and the Review Team and operates as the single contact point. He is also responsible for the notes and conclusions of the meetings (including clarifications to the Tenderers) and setting up the report for the Review Team. Furthermore the *'facilitator'* is also responsible for the documents not to be distributed outside the designated location.

Planning
The compliance and feasibility is scheduled to start directly the day after the submission of the Bids, on 3 May 2001. It is foreseen to continue until the mid of May (refer also the to indicative planning).

3.4 Review Team

3.4.1 General

The compilation of the Review Team is based on the following principles:
- the Team will consist of persons of the HSL-Zuid Project Organisation;
- a member of the Review Team can not be a member of a Assessment Team or a Back Office Team;
- the Team itself will consist of no members of the Assessment Teams of the rolling stock tender;
- the Review Team might not consist of persons involved in the procedure of deciding which Variant should be selected for the Negotiations phase;
- the members will act in the spirit of the Tender and in accordance with the Protocol;
- the members will act confidentially, objective and fair.

Participants
- Mirjam Bos - chairwoman
- Jan van de Ven - facilitator
- Roel Testroote
- Gerben Schuhmacher
- Danielle Meiboom
- Bas van Os
- Peter van Kleunen

During the Evaluation Process, the Review Team can decide at its own discretion to consult persons: for example the State Attorney, members of the Back Office Team or Amsterdam Airport Schiphol.

Tasks
The Review Team will analyse the assessments carried out by the separate Assessment Teams (in relation to consistency, bias etc.) to ensure that these Teams are objective and fair. Furthermore the Review Team will decide on clarifications to be given by Tenderers. The Review Team will then score the Bids on the basis of the ranking carried out by the Assessment Teams and reports to the Project Director.

The Review Team is responsible for a number of tasks, such as:

A. Decision whether to invite Tenderers to clarify their Bids (on the recommendation from Assessment Teams).
B. Co-ordination of requests to Tenderers for clarifying of incomplete Bids and of submitted information by Tenderers.
C. Co-ordinate and discuss difference in outcome of the Assessments Teams or within the Assessment Teams itself.

D. Compilation of recommendations by the Assessment Teams for submission to the Tender Board and State Attorney.
E. Provision of clarification or guidance to Assessment Teams if required.
F. Compilation of recommendations for the Project Director.
G. Compilation of recommendations for the Ministers of Transport Public Works and Water management and of Finance.

Ad A. *Decision whether to permit Tenderers to clarify their Bids*
The Review Team will decide whether a request for further information is required to be submitted by the Tenderers. This will be based upon the findings of the designated Assessment Teams. Refer also to section 3.2 of the ITT and to section 4.4. page 50.

Ad B. *Co-ordination of request to Tenderers and of information provided*
Only the Review Team will have contact with the Tenderers during this period. This communication will be in writing or in the form of a clarification meeting (refer to page 50 of the ITT). For setting the period for submitting the requested explanatory information, the Review Team might differ from the dates mentioned in the indicative planning.

Ad C. *Co-ordinate and discuss difference in outcome of the Assessments Teams (or within the teams)*
Assessment Team 1
- review the forms of participants of Assessment Team 1;
- in case of difference in conclusions amongst members: hold discussion with participants of Assessment Team 1;
- decide upon outcome and actions to be taken (request for additional information);
- draft letters for Tenderers in case relevant.

Assessment Team 2 A and 2 B
- review the forms of Assessment Teams;
- compare the outcome;
- in case of differences: discussion with both Teams (initially with the spokesman of the team);
- decide upon outcome and actions to be taken;
- draft letters for Tenderers in case relevant.

The '*facilitator*' of the Review Team will ensure that each answer provided upon any request for clarification will be made available for the Assessment Teams , only in case this is decided by the Review Team.

In case substantial differences in the outcome of Assessment Team 2 A and 2 B occur and remain, the Review Team might decide to undertake other applicable measures. The Project Director will be informed on this.

Ad D, F, G. *Compilation of recommendations*
The Review Team will be responsible for compiling the scores of the Tenderers. Each Assessment Team will submit its findings to the Review Team through its facilitator by means of a (summary) ranking sheet (refer to applicable forms). The Review Team will review these rankings and will then complete the overall scores of

Tenderers and prepare a recommendation for the Tender Board, State Attorney and to the Project Leader / Project Director. The Review Team will use the scoring sheets, refer to forms E, F, G, H.

Ad E. *Provision of clarification or guidance*
Should any Assessment Team require clarification from Tenderers on the material submitted or require guidance on any issue, this will be submitted by their '*facilitator*' to the Review Team.

Should situations arise which cannot be solved by following the rules set forth in this Protocol, the matter shall be taken up to the Review Team which will decide on steps to be taken that will be implemented by the teams involved. This might require a mandate of the Project Director. Such a decision will be based upon the principles of objectivity and be non-discriminative towards the Tenderers concerned and, again, such decision may not alter the rules in the applicable documents (refer also to chapter 5). In case a decision includes additional measures to be taken, the Review Team might decide to include these in a separate Protocol to be deposited at a notary.

The role of the '*facilitator*' is (a.o.):

- to prepare the Review Team meetings and to take care of the required correspondence;
- to draw up notes of the Review Team meetings;
- to act as the single point of contact with the Assessment Teams;
- to collect the results of the Assessment Teams;
- to assist in drafting the report of the Review Team including the Recommendation;
- to draft and file all correspondence with the Assessment Teams, Back Office Teams and Tenderers.

All correspondence of the Review Team with the Assessment Teams and the Tenderers shall be in writing (or email) and shall be filed in a controllable way.

Planning
The Review Team will be present during the whole Evaluation Period and it shall therefore preferably meet on regularly base.

3.5 Back Office Team

Task
The task of the Back Office Team is to assist the Assessment Teams 2 A and 2 B in their assessment by answering detailed questions that were raised during the evaluation of the Bids on various aspects (for example on technical matters or traffic volumes).

The communication between the Assessment Teams and the Back Office Team should be in writing (also email). A specific form (refer to I) should be filled in by the facilitator of the Assessment Team and will be sent to a member of the Back Office Team.

The member of the Back Office Team will sent a copy of the answer to requesting Assessment Team and a copy to the Review Team. The Review Team will then determine whether the answer and question will be forwarded to the other Assessment Team.

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In answering the questions, communication between the Back Office members is allowed. The routing of the drafting of the answer should however be noted on the form (refer to form I). The Back Office shall not be informed about the identity of the Tenderer, to which the question refers.

The Back Office Team consists of the Transport Team, and certain external experts. The Assessment Team members will obtain a list of persons and their expertise that form the Back Office Team, prior to 3 May 2001.

3.6 Tender Board

The Tender Board is an independent body, responsible for advising the Project Leader / Project Director HSL-Zuid with regard to this tender. The Tender Board consists of external members with a highly professional reputation on tendering and the passenger transport market:

- Bert Roelofs;
- Joop Janssen (chairman);
- René Postulart;
- Hans Huis in 't Veld;
- Didier van der Velde;
- Marc Dullaert.

The Tender Board will be asked to review the recommendation of the Review Team and will advice the Project Director on his advice for the Ministers. The advice of the Tender Board will be logged and filed in a very viable way.

3.7 State Attorney

The Review Team will consult representatives of the State Attorney in case specific legal assistance is required during the evaluation period. The State Attorney will also be requested to advice on the recommendations of the Project Director. This advice will be logged and filed in a very viable way.

3.8 Project Director HSL-Zuid

The Project Director is responsible for the recommendation to the Ministries of Transport and Finance. The Project Director will decide on the basis of the recommendation by the Review Team and is advised by the Tender Board and the State Attorney.

The Ministries of Transport and Finance are responsible for the recommendation to the Ministers of Transport and Finance. The Ministers of Transport and Finance will decide upon these recommendations, which Tenderers will be invited for the next phase (Negotiation Phase). Refer also to page 37 of the Invitation to Tender: 'The Tender will proceed into the next phase, if at least two Tenderers have submitted a qualitative and financially sufficient Bid and the State is convinced that there will be sufficient competitive tension during the Negotiation Phase. The Ministers of Transport and Finance may decide to select more than two Tenderers in case the difference between Bids is very small'.

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4 Indicative planning

There is limited time for performing the assessments and the recommendations. Based on the timetable provided in the ITT, the following dates should be accomplished in the Evaluation Process following the Bids by the Tenderers.

The Project Director may, on the basis of a recommendation of the Review Team, decide to extend the times mentioned here below. Please note that this planning concentrates on the evaluation procedure of the Assessment Teams and the Review Team only.

No	Action	Date
1	Submission of Bids	Wednesday, 02/05/01 09.00 hours (Blue) 11.00 hours (Yellow) 13.00 hours (Red) 15.00 hours (Green)
2	Press announcement of Tenderers submitted Bids	Wednesday , 02/05/01
3	Assessment Team 1: completeness check (paper version)	Wednesday, 02/05/01
4	Assessment Team 1: completeness check (digital version)	Wednesday, 02/05/01 – Monday 07/05/01
5	Request for clarification concerning completion of Bids	Wednesday, 02/05/01 or Thursday 03/05/01
6	Final date for clarification / completion of Bids (paper version)	Friday, 04/05/2001
7	Assessment Team 2 A and 2 B: compliance and feasibility	Thursday 03/05/2001 – Monday 07/05/2001
8	Request for clarification (round 2)	Tuesday 08/05/2001
9	Final date for clarification / completion of Bids	Thursday 10/05/2001
10	Assessment Team 2 A and 2 B: compliance and feasibility second round	Monday 14/05/2001 – Wednesday 16/05/2001
11	Request for clarification (round 3)	Wednesday, 16/05/2001
12	Final date for clarification	Friday, 18/05/2001
13	Assessment Team 2 A and2 B: feasibility	Tuesday 22/05/2001 – Wednesday 23/05/2001
14	Assessment Teams 2 A and 2 B: ranking	Monday, 28/05/2001
15	Assessment Teams 2 A and 2 B: final report	Monday, 28/05/2001
16	Review Team: scoring	Tuesday, 29/05/2001
17	Report Audit on evaluation process	(Audit start approx. 16 May) Wednesday, 30/05/2001
18	Report and recommendation by Review Team	Thursday, 31/05/2001
19	Concept recommendation of Project Director for Minister	Friday 01/06/2001
20	Final approval by Ministers	Friday, 15/06/2001
21	Communication with Tenderers	Friday, 15/06/2001
22	Press announcement of Tenderers qualified	ASAP

5 Applicable documents

The following documents apply to the Evaluation Procedure:

1. All Addenda to the ITT (no 1 of 28 February 2001 and no 2 of 23 March 2001);
2. The Invitation to Tender (15 December 2000),
3. All Clarifications sent out (no 1 of 15 January 2001, no 2 of 15 February 2001, no 3 of 23 March 2001, and no 4 of 20 April 2001);
4. The Qualification Document (17 July 2000);
5. All Memoranda of Information sent out (no 1 of 31 August 2000, no 2 of 6 September 2000);
6. The Requests for Qualification submitted on 15 September 2000;
7. This Protocol;
8. The Assessment forms incorporated in this Protocol.

In case deviations between the above mentioned documents occur, number 1 will prevail above number 2 etc. (refer also to section 4.4. ITT page 47).

6 Confidentiality aspects

This Protocol contains several conditions for guaranteeing the confidentiality during the evaluation procedure. However, two separate aspects should be underlined specifically.

6.1 Access to Bids

The Bids are in principle only accessible during the evaluation period (which end by the report of the Review Team for the Project Director) for the following persons:

- all members of the Assessment Teams 1, 2 A and 2 B;
- the Project Leader.

The members of the Review Team will have a limited access to the Bids. This means that access is only allowed for fulfilling its tasks. For example in case differences in the outcome of the Assessment Teams occur, the Review Team might need to check with the exact text of the Bids in order to co-ordinate the assessments.

The access to the Bids is denied for all members of the Back Office Teams and all others that are not directly involved in the evaluation of the Bids.

Finally, the information of the Bids will be used for two activities that will not be carried out by the Assessment Teams, but are directly connected to the evaluation of the Bids:

1. the decision making process, and
2. the discussion on International / Domestic and Combined.

Ad 1:
This consists of preparing the decision making note to the Ministers of Transport and Finance.

Ad 2:
A separate task force will assess whether (apart from the highest ranked Tenderer for the combined contract) the State can obtain more value through inviting one other Tenderer for Domestic Services and another for International Services. This information will be provided to the Review Team in order to complete their recommendation.

Both activities will be carried out during the evaluation procedure (on separate locations) and might require detailed information of the Bids. The Project Leader may, on his own discretion, decide to allow certain persons access to (parts of) the Bids. It should be stressed that this will be governed by the principles of confidentiality, independence and it might not in any way influence the evaluation of the Bids.

6.2 Location of Bids

The Bids should (at least during the evaluation period) remain at the location dedicated for the assessment. Only the Project Leader might decide otherwise, in case unforeseen or specific circumstances or situations occur that justify a breach of this rule. However, confidentiality will always be assured as much as reasonably possible.

7 Detailed information on Assessment of Bids

7.1 Background information

The Evaluation Procedure is designed such to ensure that the decisions to be taken are based on the process which has been deposited prior to 2 May 2001 at the notary of the State Attorney . No deviation of the procedure as been published in the documents mentioned before will be allowed.

7.2 Procedure

For the assessment of the Bids, forms shall be used which are based on the ITT (refer to chapter 8 of the Protocol).

Should the Assessments Teams wish to verify information, they will bring the matter to the Review Team for a decision whether and how submitted information will be verified.

In preparing the Evaluation Procedure, the Review Team will arrange the following conditions to be met:

- Storage of the Bids: the Tenderer will deliver 1 original and 4 copies, and 1 CD-ROM. The original will be stored in a separate, archive room, as soon as possible after the receipt. For the Assessment Team members separate numbered copies will be made. These will be stored in the location of the assessments in lockable cupboards and rooms that can be locked. The copies are not to be taken out of the offices appointed for the evaluation. If required, the members of the Review Team will have access to the original proposals.
- Copies of the Bids must not leave the offices dedicated for the evaluation.
- No notes, remarks or notation of any kind shall be made on the originals or on the copies submitted by the Tenderer of the Bids.
- The Assessment Teams 2 A and 2 B will be situated in different locations.
- Internal and external communication:
  - single points of contact will be installed: contact between the Assessment Team and the Review Team will go through the facilitators;
  - all communication between the teams has to be in writing (email included). A copy of each question and answer will be send to the facilitator of the RT;
  - there must be no communication concerning the evaluation procedure between the participants of the different Assessment Teams other than through the Review Team (this is applicable for the period of the evaluation);
  - there must be no external communications with Tenderers or third parties other than through the official notices (requirement of confidentiality).
- A log will made of all communications by the facilitators.

7.3 Methodology

The multidisciplinary Assessment Teams 2 A and 2 B will compile their own assessments on a team level (not individually), and should make any other relevant reports they consider necessary to support

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their assessment. They should use the relevant Forms B.1, B.2, C, D, I, J and present these to the Review Team.

7.4 Notices to parties

After the decision by the Ministers or Transport and Finance, the Tenderers will be notified immediately. If Tenderers are not invited for the next phase in the tender procedure they will be informed as to the reasons.

7.5 Details on assessment

7.5.1 Assessment Team 1: Completeness

Completeness
Refer to section 3.2 of the ITT first bullet: ".... The bids have to be complete and in line with the format and general aspects as stated in the bid instructions. Bids prove to be not complete, will not be taken into account."

The information submitted by the Tenderers will be first assessed for completeness. The unjustified absence of information is likely to lead to non-compliance. If a Tenderer is not able to supply the information in full for any reason, those reasons should be given. A Tenderer may not supplement its submission after the Bids return date (2 May 2001) without the State's approval. This approval will only be given in circumstances where these are manifestly obvious inconsistencies or errors in the Tenderer's Bids.

In case a submission contains manifestly obvious inconsistencies or errors, the Assessment Team will report this to the Review Team, which then will decide whether the Tenderer will be allowed to complete or clarify its submission. It should be noted that each Tenderer should be treated equally.

Form A attached to this Protocol provides a checklist for completeness. Special consideration should be given to the following two aspects:

1. CD-Rom: no electronically signature needs to be provided. The signature on the paper version is sufficient.
2. The check whether a submission is conform the prescribed format will be carried out during the compliance check by Assessment Teams 2 A and 2 B in more detail.

7.5.2 Assessment Team 2 A and 2 B: Compliance and feasibility

Compliance
See page 33 of the ITT
"*The bids will be checked for compliance with the Base Case, the Variants and the tender terms and conditions. The feasibility of the Bid will also be evaluated as part of the compliance check. Bids on the Base Case and each of the Variants that are non-compliant will get no points.*"

Concerning the compliance, special attention should be given to the fulfilment of the criteria of the Qualification Document. Assessors need to check whether the Tenderers still meet the criteria of the Qualification Document (refer to the compliance statement , Annex B1, Part A, under 3).

Feasibility

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See page 33 of the ITT: "*Besides the feasibility of the Business plan in general, the Bids will be evaluated on 3 key service parameters:*

- *Seat change: Tenderers will demonstrate how their chosen set of measures deliver a higher degree of certainty that passengers will have the seat they paid for. These measures may include the seat capacity offered, yield management and reservation systems.*
- *Affordability: The State is not looking for the Tenderer with the lowest average fare. Tenderers with effective market segmentation and yield management systems may be capable of offering seats at low fares during most times of the day.*
- *Attributable punctuality: punctuality is dependent of may factors, some of which are outside the scope of the Concessionaire. However driving personnel and rolling stock are key items under his control, and Tenderers are required to demonstrate how they can secure a high level of availability in this respect.*"

The Assessment Teams will assess the quality of the Bids, based on the overall feasibility of the Bids and the 3 three key service parameters. The assessments will be carried through a discussion with the Assessment Team. Below the a set of aspects is given that will be taken into account during the discussions. After the discussions, the members of the Assessment Team will rank the Tenderers on the 4 assessment criteria (overall feasibility and key service parameters). The sub score per aspect is 4 points per criterion. Therefore the criteria will have the same weight.

The Tenderers that provide the highest quality on a criteria and therefore are ranked on the first place will receive 4 quality points (assuming 4 bids will be submitted!), the second ranked Tenderer receives 3 points, etceteras. The Assessment Teams are allowed to rank Tenderers equally. A bidder can receive a maximum Quality score of 16 points when he scores the best on all for criteria, and a minimum of 4 points when it scores last on all criteria. The Assessment Team will submit the outcome of their ranking to the Review Team by using form D.

The following aspects will be taken into considerations during assessment:

Overall feasibility of the business plan (4 points)*

- Financial
  - Base assumptions
  - Credibility of market forecast
  - Risk management
- Technical
  - Planning
  - Rolling Stock and operations
  - Procurement concept
  - Operability
- Organisational
  - Financial resources
  - Human resources
  - Training
  - Legal
- Passenger services
  - Service offer
  - Flexibility
- Overall coherence and consistency

Seat chance (4 points)*

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- Quality of reservation system (peak hours)
- Occupancy rate
- Yield management measures

Affordability (4 points)*
- Volumes made available for low fare travellers
- Lowest fare level
- Fare level compared with regular rail price
- Restrictions of use
- Restrictions of purchase

Attributable punctuality (4 points)*
- Technical load factor
- Passenger load factor (occupancy)
- Organisational provision
- Other punctuality measures

*: assuming 4 bids will be submitted.

The Assessment Teams 2 and 3 will draft a final report of their findings (by their facilitator) and send this to the Review Team. A standard format of this report will be handed out to both teams during the first week of May.

7.5.3 Review Team: Scoring

The scoring method
See page 35 and 36 of the ITT.

The scoring of the Bids will be carried out by the Review Team based upon the findings of the Assessment Team 2 A and 2 B.

The scoring method is based on comparison of the Bids and the Business Plan. The relative weight of the Base Case is far more than that of the Variants. Variants will be evaluated separately, synergy effects between Variants are not to be taken into account. The maximum number of points to be earned is 152. This is build up as follows:
- 100 points for the Financial Bid on the Base Case;
- 10 points for the quality aspects in the Business Plan;
- 42 points for the Financial Bids on the six Variants (7 points per Variant).

The Base Case
The Tenderers with the highest Base Case Financial Bid will receive 100 points. All other Tenderers will receive points on their Base Case Financial Bids in proportion to this. Refer to form E, which should be filled in by the Review Team.

The quality of the Business Plan
The Business Plans of the Tenderers will be ranked against each other on 4 aspects:
1. The feasibility of the Business Plan;
2. the extent to which passengers can be certain of having a seat on the train;
3. the opportunities offered to passengers in the low-fare segment;
4. the arrangements to optimise train and staff availability (to improve punctuality of the service).

For each of these the lowest ranked Tenderer will receive 1 "quality point" and the highest ranked Tenderer 4 "quality points" (assuming 4 Bids to be submitted). The Tenderer with the highest ranked quality score will then receive 10 points for the overall score. The other Tenderers will receive points in proportion to their quality score. Review Team should fill in form F.

The Variants

The relative weight of the Variants is 7 points for each of the 6 Variants. A maximum number of 42 points can therefore be awarded for the Variants. Refer to form G.

The total score

The total score is the sum of the scores for the Base Case, the quality of the Business Plan and the Variant. Refer to form H.

8 Forms to be used by Assessment Teams, Back Office Team and Review Team

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Form A.1 Completeness (Assessment Team 1)

Code name Tenderer ....

Assessment:

Page / paragraph in ITT	Subject	Assessment		Assessment not complete if
		Complete	Not complete	
49/4.4 (2.a) and Addendum 2.3	Submission of Bid on 2 May 2001 in accordance with allotted time			Too late
49/4.4 (2.b and 2.c)	Submission in original, 4 copies, 1 CD-ROM			Lacking
50/4.4 (3.c)	Business Model electronically completed and submitted on CD-ROM			Not complete or lacking
Addendum 1.1	Bid on white paper, no logo's			Not done
45	Prescribed format and in accordance with Section 4.4			Submission found not in compliance
45/4.3 and Part A Annex B1	Compliance statement provided			In the negative
46/4.3 and Part B Annex B1	Submission of Business Plan for the *Base Case* consisting of Narrative and Business Model			In the negative
46/4.3 and Part C Annex B1	Submission of Business Plan for the *Variants* consisting of Narrative and Business Model			In the negative
46/4.3 and Part E1 Annex B1	Financial Bid on the Base Case provided			In the negative
46/4.3 and Part E2 Annex B1	Financial Bid on the Variants 1-6 provided (7 in total)			In the negative
46/4.3 and Part E3.1 Annex B1	Financial Bid on the International Services provided			In the negative
46/4.3 and Part E3.2 Annex B1	Financial Bid on Domestic services provided			In the negative

Explanation

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Filled in by:

Date of sending to facilitator of Review Team:

Date of receipt by facilitator of Review Team :

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Form A.2 Completeness (Assessment Team 1)

Item	Included for evaluation against completeness	Excluded
Codename Tenderer 1		
2		
3		
4		

Explanation

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Filled in by:

Date of sending to facilitator of Review Team:

Date of receipt by facilitator of Review Team :

Form B.1 Compliance with Base Case, Variants and Tender terms and conditions (Assessment Team 2 A and 2 B)

Code name of Tenderer ....

Page / paragraph in ITT	Subject	Assessment		Assessment not compliant if
		Complied	Not complied	
45	Prescribed format and in accordance with Section 4.3 and duly signed			Not in compliance
A 1.1	Bid on white paper, no logo's			Not in compliance
50/4.4 (3.a)	Submission not be typed over, supplemented or altered and in English language			Not in compliance
50/4.4. (3.b)	Bid in accordance with format B1, submitted on paper and electronically			Not done
50/4.4 (3.f)	Units of measurements in metric			Not done
50/4.4 (3.g)	Euros, price level 01-01-00			Not done
50/4.4 (4.a)	Bid contains no provisions, conditions or assumptions			If it contains such items
50/4.4 (4.b)	Bid is financially sufficient			If not sufficient
50/4.4 (4.c)	Bid is not based on abuse of dominant position, anti competitive behaviour or violates process agreement			In case it is based on wrong behaviour
45/4.3 and Part A Annex B1	Compliance statement signed by authorised officer			In the negative
46/4.3 and Part B Annex B1	Submission of Business Plan for the *Base Case* consisting of Narrative and Business Model and in compliance with prescribed format			In the negative
46/4.3 and Part B Annex B1	Business Plan Base Case Narrative in accordance with prescribed layout (max. 120 pages and list of contents)			In the negative
46/4.3 and Part B Annex B1	Business Model Base Case in compliance with prescribed layout (supplied Excel spreadsheet covering period 2001-2020)			In the negative
46/4.3 and Part C Annex B1	Submission of Business Plan for the *Variants* consisting of Narrative and Business Model and in accordance with prescribed format			In the negative
46/4.3 and Part C Annex B1	Business Plan Variants Narrative in accordance with prescribed layout (list of contents)			In the negative
46/4.3 and Part C Annex B1	Business Model Variants in accordance with the prescribed layout (Excel spreadsheet)			In the negative
46/4.3 and Part D Annex B1	Explanation of effects of separation of D and I provided			In the negative
46/4.3 and Part D Annex B1	Calculation for synergy losses provided			In the negative
46/4.3 and Part E1 Annex B1	Financial Bid on the Base Case provided and in compliance with prescribed format (signed by authorised officer)			In the negative

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46/4.3 and Part E2 Annex B1	Financial Bid on the Variants 1-6 provided (7 in total) and in compliance with prescribed format (signed by authorised officer)			In the negative
46/4.3 and Part E3.1 Annex B1	Financial Bid on the International Services provided and in compliance with prescribed format (signed by authorised officer)			In the negative
46/4.3 and Part E3.2 Annex B1	Financial Bid on Domestic services provided and in compliance with prescribed format (signed by authorised officer)			In the negative

Remarks concerning feasibility:

(fill in, if necessary, remarks concerning the feasibility of the Bid (Base Case and Variants))

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Explanation

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Filled in by:

Date of sending to facilitator of Review Team:

Date of receipt by facilitator of Review Team:

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Form B.2 Compliance with Base Case, Variants and Tender terms and conditions (Assessment Team 2 A and 2 B)

Item	**Included for evaluation against compliance**	**Excluded**
Codename Tenderer 1		
2		
3		
4		

Explanation

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Filled in by:
Date of sending to facilitator of Review Team:
Date of receipt by facilitator of Review Team:

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Form C: Ranking of Variants (feasibility) (Assessment Teams 2 A and 2 B)

Item	Variant 1	Variant 2	Variant 3	Variant 4	Variant 5a	Variant 5b	Variant 6
Codename Tenderer 1							
2							
3							
4							

Explanation

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Filled in by:
Date of sending to facilitator of Review Team:
Date of receipt by facilitator of Review Team:

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Form D: Ranking of the Bids on Quality aspects (Assessment Teams 2 A and 2 B)

Item	**Overall Feasibility of Business Plan (ITT 33/3.2)** *max. 4 points*	**Seat chance (ITT 33/3.2)** *max 4 points*	**Affordability (ITT 34/3.2)** *max. 4 points*	**Punctuality (ITT 34/3.2)** *max. 4 points*	**QUALITY SCORE** *max. 16 points*
Code name Tenderer 1					
2					
3					
4					

Explanation

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Filled in by:
Date of sending to facilitator of Review Team:
Date of receipt:

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Form E: Scoring of the Base Case (Review Team)

Item	Base Case Bid	Points
Code name Tenderer 1		
2		
3		
4		

Filled in by:
Date:

Form F: Scoring of the Quality of the Business Plans (Review Team)

Item	Quality score (provided by AT, maximum 16 points)	Points for overall score (max 10 points)
Code name Tenderer 1		
2		
3		
4		

Please check Quality score with Form D.

Filled in by:
Date:

nkj

Form G: Scoring of the Variants (Review Team)

Item	Variants	Points
Code name Tenderer 1		
2		
3		
4		

Filled in by:
Date:

Form H: Total score (Review Team)

Item	Base offer	Quality	Variant	Total
Code name Tenderer 1				
2				
3				
4				

Filled in by:

Date :

Form I: Format to be used by Assessment Teams 2 A and 2 B and Back Office Team (questions)

Question no.	*Start with Q-AT2A or Q-AT2B (depending on Assessment Team)*	*(fill in by facilitator of AT 2 A or 2 B)*
Submitted on	... May 2001	*(date)*
Submitted by	☐ Assessment Team 2 A ☐ Assessment Team 2 B	
Question for person / discipline	☐ .... ☐	*(name and discipline of Back Office team member)*
Answered on	... May 2001	*(date)*
Answered by	...	*(name)*

Question*: (fill in by facilitator of AT)*	**Answer:** *(fill in by Back Office member)*
....	....

Additional documents (fill in by BO member)	
Additional information (fill in by BO member)	

Send to Review Team and Assessment Team [date]
Received by Review Team and Assessment Team [date]

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Format J: Format for requesting clarification (to be used by Assessment Teams)

Date:	
Number:	*Start with C-AT2A or C-AT2B (depending on Assessment Team)*
Which Assessment Team: (name facilitator)	
Code name consortium	

Question
Reason for asking question

Send to Review Team and Assessment Team [date]
Received by Review Team and Assessment Team [date]

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