

UNIVERSITY OF TWENTE.



Procurement & Tendering Policy

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Introduction

This is the Procurement & Tendering Policy of the University of Twente (UT), successor to the Purchasing Policy 2013 and Tendering Policy 2017. The reason for rewriting the policy is the far-reaching professionalisation of UT's procurement function that is taking place (partly as a result of the implementation of a new Purchase-to-Pay system) and the many changes in the field of procurement in the public domain. In particular, this includes socially responsible procurement and new laws and regulations.

UT aims to be a trusted, honest and professional employer that offers fair and equal opportunities to Vendors. This idea forms the basis for formulating the objectives of the Procurement & Tendering Policy. The purpose of the policy is to provide frameworks and guidelines that apply to UT's procurement.

UT considers it important to focus continually on the further professionalisation of procurement and tendering practice while aiming at greater efficiency and legality. A professional procurement and tendering policy helps UT to procure efficiently and lawfully.

In order to achieve the procurement objectives, various principles have been laid down (organisational, legal, etc.). These principles are set out in the following chapters.

The Procurement & Tendering Policy is subject to change and is therefore regularly updated. The most up-to-date version of the UT Procurement & Tendering Policy is published on the UT website.

In addition to the Procurement & Tendering Policy, the UT Purchasing Department has a Procurement Vision and a document outlining its Procurement Management process. These 3 documents are closely linked:

The Procurement Management document shows who is responsible for which process or which part thereof. The Procurement Vision describes the Purchasing objectives for the period 2021–2025 and this Procurement & Tendering Policy contains an elaboration of the frameworks and guidelines for purchasing processes.

1. Organisational principles

Procurement at UT is centrally managed by the UT Purchasing Department. The UT Purchasing Department owns the process that starts when the purchasing need arises from the requester, and ends when the invoice is paid. Budgets at UT are spread over several units/departments. The UT Purchasing Department is also responsible for (controlling) contract management. The roles and responsibilities of those involved in the procurement process are further defined in the Procurement Management document.

2. Vision and objectives

2.1 Procurement vision

The Purchasing Department wants to make a positive contribution to the continuous improvement of UT's procurement professionalism. The Purchasing Department professionally implements contract management and supports the procurement, ordering and tendering processes in which sustainability is safeguarded as much as possible. As a result, the Purchasing Department functions as an integrated part of the business management process and contributes to the continuity of the primary process. The Purchasing Department strives to make a maximum contribution to the (strategic) goals of UT and proactively advises the faculties and departments of UT about the procurement function.

The Purchasing Department acts in a customer-oriented way and wants to grow into a partner role, which is why our core value in the coming years will be *Partner in Procurement*. For us, development into a partner means that we approach the internal customer proactively, identify issues early, and provide both solicited and unsolicited advice. Specific success factors that we have identified are action orientation/action speed, listening carefully to and trying to understand the internal customer (what is happening in the faculty/department), unambiguous action, keeping to agreements and fulfilling a clear expert role.

In order to realise this ambition, the UT Purchasing Department also has a Procurement Vision stating objectives for the coming years. A procurement plan is drawn up annually with the objectives to be realised and the necessary actions for the short term.

2.2 Core value

Based on the Procurement Vision, the Purchasing Department has formulated the following core value: **partner in procurement!**

2.3 UT Purchasing Department objectives

Professionalising procurement practices is not only a matter of (European) laws and regulations, but also of additional policies. This additional policy is in line with the general UT policy as laid down and communicated by UT in its Vision Shaping2030. The purpose of the supplementary policy is to give professional direction to procurement practice. Within this framework, UT has developed its Procurement & Tendering Policy. It provides a framework of different policy measures, enabling UT to place a greater emphasis on certain factors using policy choices:

a. Lawful and efficient procurement so that funds are used and spent in a verifiable and responsible manner.

To this end, UT complies with existing laws and regulations and the provisions of the Procurement & Tendering Policy. In addition, UT purchases efficiently and effectively. The efforts and expenditure must actually contribute to the achievement of the intended goal. Costs are proportional to revenues and controlling – and where possible reducing – UT expenses is key. UT ensures that Vendors have sufficient access to UT contracts.

b. To be an honest, trusted, business-like and professional buyer and client. Professionalism means that Procurement is handled in a conscious and business-like manner. There is continuous investment in substantive knowledge about the Supplies, Services and Works to be procured, the market conditions and the relevant legislation and regulations. The pursuit of professional commissioning is expressed in commitment to the procurement ambition, decisive decision-making, adequate risk management, trust in the Contractor, mutual respect between UT and the Contractor and proper interpretation of contract and vendor management. UT shall make an effort to provide all information and data to the Vendor insofar as this is necessary in the framework of the procurement process.

c. To make a continuous positive contribution to the overall performance of UT. After all, the UT Purchasing Department must support the full range of performance of UT and contribute to it directly and continuously. The specific objectives of the UT Purchasing Department are always directly derived from UT objectives. The UT Purchasing Department must be able to empathise with the wishes and needs of internal customers.

d. UT is committed to reducing the administrative burden for both itself and for Vendors. Both UT and Vendors exert a great deal of effort during the procurement process. UT alleviates these burdens by conducting thorough market research (market exploration/consultation) and drawing up clear requests for tender with only the necessary and proportional selection criteria and clear award criteria. To put this in concrete terms, UT uses digital procurement. Where applicable, UT uses the uniform 'The European Single Procurement Document (ESPD)'.

e. Adding the greatest possible social value.

In its tenders, UT takes into account social value by implementing socially responsible procurement based on the following aspects: sustainable purchasing and social return.

3. Legal principles

3.1 Legal framework

UT complies with the relevant laws and regulations. Exceptions to (European) laws and regulations are interpreted and applied restrictively by UT. The legislation and regulations most relevant to the Procurement & Tendering Policy are as follows:

- Procurement Act: this legal framework implements the European Directives 2014/24/EU and 2014/23/EU ('Procurement Directives') and Directive 2007/66/EC ('Legal Protections Directive'). This law provides a single framework for public contracts above and – to a limited extent – below the (European) thresholds and the legal protection of (European) tenders;
- European laws and regulations: legislation and regulations in the field of procurement originate from the European Union. The 'Procurement Directives' currently form the main basis. The interpretation of these Procurement Directives may follow from Green Papers, Interpretative Notices, etc. of the European Commission;
- Dutch Civil Code: the legal framework for contracts;
- Proportionality Guide;
- The European Single Procurement Document (ESPD);
- Declaration of Conduct for Tenderers;
- Guidelines for Supplies and Services from the Ministry of Economic Affairs and Climate Policy;
- Single Complaints Procedure of the Ministry of Ministry of Economic Affairs and Climate Policy;
- Tender regulations for works;
- The AISUT [General Purchasing Terms & Conditions of Saxion and the University of Twente], ARBIT [General Government Terms and Conditions for IT contracts], DNR [Legal relationship client – architect, engineer and consultant] and/or UAV [Uniform Administrative Conditions for the Execution of Works and Technical Installation Works] conditions.

3.2 General principles of procurement and good governance

UT observes the following general principles of procurement law: objectivity, equal treatment, transparency and proportionality.

In its procurement, UT observes the general principles of proper administration, such as the principle of equality, the principle of justification and the principle of confidentiality.

3.3 Transnational interests

Public contracts with clear transnational interests are public contracts in which Vendors established outside the Netherlands have or might have an interest. This could be demonstrated by a possible market analysis. Whether a public contract has clear transnational interests depends on several elements, such as the value of the contract, the nature of the contract and the place where the contract is to be performed. For public contracts with a clear transnational interests, UT observes an appropriate degree of public openness. This follows from the principle of transparency.

3.4 Mandate and power of attorney

Procurement takes place in compliance with UT's current Terms of Reference(<https://www.utwente.nl/organisatie/structuur/bestuur/downloads/mandaatregeling-ut.pdf>). UT only wants to be bound by commitments and obligations based on legally valid decision-making.

3.5 Derogation

The Purchasing Department has developed a roadmap in derogation to this Procurement & Tendering Policy. This roadmap is not a legal framework, but involves taking responsibility on the basis of the mandate. For this purpose, there is the accountability memorandum, which states the reasons for derogation and describes the risks of derogation. This accountability memorandum should be signed in accordance with UT's Terms of Reference.

4. Ethical and idealistic principles

4.1 Integrity

UT puts administrative and bureaucratic integrity first. UT has made it a priority to ensure that its management and staff act with integrity. They act in a business-like and objective manner, meaning that conflicts of interest must be avoided. The administrators and employees of UT adhere to established codes of conduct. UT expects its managers and employees to act in accordance with legislation and regulations and to observe the principles of procurement. Integrity in the procurement process can be encouraged by applying an adequate segregation of duties, including separation of the roles of purchaser and performance declarant are separated.

UT wants to do business only with honest Vendors. In principle, it is possible to assess the integrity of Vendors in procurement and tendering processes, and UT has adopted the following policy in this regard: in European tenders, UT uses the European Single Procurement Document (ESPD) and declares all grounds for exclusion to be compulsory and conditional.

UT chooses to declare all grounds for exclusion applicable to European tenders and to multiple private tendering, because UT attaches great value to a sound and stable contract partner. Only if there is an exceptional situation that justifies a derogation on the basis of Section 2.88 of the 2012 Procurement Act can UT refrain from excluding a Vendor who is covered by the grounds for exclusion or who cannot submit a Declaration of Conduct for Tenderers. If a Vendor has doubts as to whether UT may refrain from exclusion, UT explicitly invites potential bidders to ask questions about this, as per Section 2.53 of the Dutch Procurement Act.

4.2 Social value

When tendering, UT ensures that it creates the greatest possible social value with the available resources. In the use of suitability and award criteria, UT also takes into account social value. UT makes socially responsible purchases by implementing sustainable procurement and social return.

4.2.1 Sustainable procurement

UT has an exemplary function in society. Sustainable procurement is the inclusion of social and environmental aspects in the procurement process. This is expressed, inter alia, by the following:

- In the product and market analysis, UT makes an inventory of which Supplies, Services or Works in the field of sustainability are offered on the market;
- Sustainability criteria are included in the procurement documents (e.g. in the selection and award criteria) and in the agreement to be concluded. The requirements from the criteria documents developed by the Netherlands Enterprise Agency are used. For each tender, a survey is carried out as to whether this is also reflected in the selection requirements or in the award criteria.
- Supplies, Services and/or Works that are or have been made under unacceptable working conditions (such as child labour, forced labour, discrimination against employees, non-payment of wages/living wage) are excluded.

4.2.2 *Social return*

UT factors in environmental and human needs, including people alienated from the labour market. For each tender, a survey is carried out as to whether social return can be part of the tender, and if so in what way. Social return is an approach to create more employment for people alienated from the labour market. Public purchasers, when awarding contracts, may encourage or oblige the contractor to involve vulnerable groups in the labour market in the execution of the contract.

4.3 Innovation

Wherever possible, UT encourages innovative procurement (and tendering). In innovative procurement, innovative solutions are sought and UT leaves room for the Vendor to offer an innovative solution. It may involve, for example, a completely new innovative solution, or the further development of the properties of an existing Supply, Service or Work. UT will specify functionally as much as possible so that the tenderer has room to offer innovative solutions.

5. Economic principles

5.1 Product and market analysis

Procurement shall be based on a prior product and market analysis, unless this is not necessary in view of the value or nature of the contract. UT considers it important to know the market by carrying out a product and/or market analysis if possible. This analysis leads to insight into the nature of the 'product' and the relevant market(s), the Vendors that operate on it and what the market and possible power dynamics are like (for example: buyers' or sellers' markets). A market consultation may be part of the analysis.

5.2 Independence and selection of the client-contractor relationship

UT does not consider excessive dependence on Vendors desirable. UT strives for independence from Vendors (Contractors) both during and after the contract period. In principle, UT must be free to make choices in its procurement (in part owing to the need for compliance with (European) laws and regulations). During the contract period, mutual dependency may arise, for example, through the achievement of targets, results, product developments (innovation) or the creation of financial incentives.

5.3 SMEs

The basic principle is that all Vendors must be given an equal opportunity to obtain a contract. UT takes into account the opportunities for small and medium-sized enterprises in its procurement. UT does this by allowing combinations and subcontracting, reducing the burden, avoiding the use of unnecessarily heavy selection and award criteria and, where applicable, using lots in tenders.

5.4 Regional procurement

Strengthening networks is an important way for UT to increase opportunities, both nationally and internationally. UT wants to take responsibility for the region. Procurement takes account of SMEs (and therefore regional vendors) in its tenders by dividing contracts into lots where possible. By working with smaller lots, regional vendors have a better chance of winning tenders. UT factors in regional vendors. In cases where single or multiple private tendering is allowed by law and regulations, regional vendors can be taken into account. Discrimination should be avoided.

5.5 Merging of contracts

UT does not combine contracts (irrespective of their value) unnecessarily, applying the principles of the Dutch Procurement Act. This law describes in detail how this should be done. Before merging takes place, UT takes into account at least:

- The economic advantages and disadvantages of merging, including economies of scale and management costs. UT has a central purchasing organisation which purchases for the various UT faculties and services. Management of contracts is centralised in the Purchasing Department. Centralised procurement and management leads to efficiency advantages, economies of scale and a reduction in transaction, management, training and implementation costs. UT does not consider a (far-reaching) subdivision into sections to be appropriate, as this would negate the aforementioned advantages. Moreover, UT is not equipped to tender and manage a variety of contracts;
- the composition of the relevant market and the impact of the aggregation on access to the contract for a sufficient number of SMEs;
- The organisational consequences and risks of combining the contract for UT and the Vendor;
- The degree of cohesion of the contracts (i.e. whether they are logically connected and inseparable);
- the degree to which the quality of the Supplies, Services or Works affects the Supply, Service or Works that UT provides to the end user. The end user must be able to use recognisable Supplies, Services and Works of uniformly consistent quality without hindrance.

If the objectives and principles of UT, as stated in this Procurement & Tendering Policy, are better achieved by combining contracts, then combining is not 'unnecessary' and dividing into several sections is not 'appropriate'.

5.6 Partnerships

UT's basic principle is that it recognises the advantages of cooperation in government procurement. This applies both to cooperation within the own organisation and cooperation with other contracting authorities. These partnerships may include, for example, procurement cooperation and knowledge exchange. In the field of knowledge exchange in procurement, UT actively seeks cooperation with universities, Saxion and Surf, and others. These initiatives may lead to the creation of procurement collectives. With regard to combining contracts into a procurement collective, UT applies the following principle: "Procurement collectives are a good way to procure professionally and efficiently". UT also applies the principle: "Procurement collectives are characterised by large size and interests and therefore usually have a high degree of procurement professionalism". When UT participates in a procurement collective, it complies with the procurement and tendering policy of the tendering collective.

5.7 Determining the procurement procedure

In determining the procurement procedure, UT uses the following method:

with due observance of the Proportionality Guide, UT uses the following procedures for the amounts listed below, unless there is an exceptional situation that justifies deviating from these principles.

Procedure for Deliveries & Services 2024 - 2025	
€0 to €70.000 ¹	Single negotiated procedure ²
€70.000 to €221.000 (Procurement Policy)	Multiple private tendering procedure / National procedure
>€221.000 (European procurement threshold ³)	European procurement

Procedure for Working	
€0 to €150.000	Single negotiated procedure
€150.000 to €3.000.000	Multiple private tendering procedure / National procedure
€3.000.000 to €5.538.000 (European procurement threshold)	National procedure / multiple private tendering procedure (unless motivated)
> €5.538.000 (European procurement threshold)	European procurement

¹ All amounts mentioned are exclusive of VAT

² Where UT deems it necessary, it may also choose to issue a Multiple Private Tender.

³ In case the European procurement threshold changes, the changed threshold will be followed.

Single negotiated procedure

UT requests a quotation from one Vendor.

Multiple private tendering procedure

UT shall request quotations from at least three Vendors and from no more than five Vendors.

European procurement

Above the (European) threshold amounts, UT basically issues a European tender, unless this is not necessary in a particular case on the basis of the applicable laws and regulations. This is the case with uniqueness, for example. In principle, UT follows the public and non-public procedure for European procurement. UT decides which procedure will be chosen on the basis of the criteria below:

- scope of the contract;
- complexity of the contract;
- number of potential bidders;
- confidentiality of information;
- characteristics of the market in question;
- costs involved in the procedure or transaction costs for UT and the Vendors.

The Dutch Procurement Act mentions a number of possible alternative procedures to the public and non-public procedure (regardless of the value of the contract). Where appropriate, UT uses the negotiated procedure without prior publication, the dynamic procurement system, the competitive dialogue, the competitive procedure with negotiation, the innovation partnership or the procedure for Social and other Specific Services.

For Social and Specific Services the following is valid: above €70,000 and up to the applicable threshold amount (currently €750,000) derogation may be made from multiple private tendering.

5.8 Determining choice of Vendors

UT decides which Vendors will be admitted per (multiple) private tender. To determine the suitability of a Vendor, UT takes into account the

following aspects:

- experience with the specific contract;
- size and organisation of the company;
- technical and professional skills.

In order to assess these aspects, UT uses the following sources, among others: the Internet, trade fair visits, performance of current vendors and existing contacts.

For a number of services, UT uses a long-list methodology for objective vendor selection. This method is described in the long-list method procedure and can be found on the UT website.

5.9 The tenderer

5.9.1 Grounds for exclusion

UT uses the 'European Single Procurement Document' for European and multiple private tendering. The grounds for exclusion ticked therein must not apply to the tenderer. In principle, UT does not use grounds for exclusion in single private tendering.

5.9.2 Eligibility requirements

For European tenders, UT draws up a descriptive document (in the case of a non-public tender, the selection guide). The descriptive document includes the suitability requirements and the tenderer must indicate compliance with the suitability requirements by means of the European Single Procurement Document (ESPD). In principle, UT does not use suitability requirements in single private tendering.

UT does not apply a turnover requirement to tenders, unless there is an exceptional situation that justifies derogation. This may be the case, for example, where there are actual risks with regard to the available capacity of personnel and/or equipment for the timely, correct completion of the contract by the end contractor.

It is important for UT to select a Tenderer with a stable financial foundation that will complete the chosen contract period or execute the Contract in full. UT reserves the right to check the financial stability of Tenderers/Contractors at the time of provisional award, during the contract period or during the execution of the Contract. If UT deems it necessary, it has the right to examine the financial data more closely and to demand additional financial securities, including bank guarantees and group statements, as well as statements from an independent chartered accountant. An inability or failure to comply with additional financial securities may lead to exclusion from further participation in the tendering procedure and/or premature termination of the Contract. (All this in accordance with Section 2.91 of the Dutch Procurement Act).

5.9.3 Tender Award Criteria

When purchasing Supplies, Services and Works (regardless of the value of the contract), UT basically applies the criterion of best value for money. Only if there is an exceptional situation that justifies a derogation will UT apply the award criteria of 'lowest cost based on cost-effectiveness' and/or 'lowest price'. These award criteria shall only be used if the requirements and framework conditions are defined in such a way that they provide a sufficient guarantee for the proper performance of the contract.

UT places greater emphasis on the 'quality' criterion the greater the added value of the solution offered. In cases where UT is forced to specify technically and in detail because of the connection to its business processes, price will play a more important role. In this case, there is less room for market differentiation.

5.9.4 Variants

UT does not allow any variants to what is requested in the request for tender. UT considered allowing variants, but refrained from doing so because it does not consider a proper comparison based on a variant solution to be possible. UT will specify as much as possible in functional terms in requests for tenders and will draw up its award criteria in such a way that tenderers have the opportunity to realise the most suitable solution for the contracting authority.

5.10 Estimate and financial budget

Procurement shall be based on a sound and objective preliminary estimate of the contract. The estimate is also important to determine the financial feasibility of the contract. After all, UT does not want to run the risk of entering into commitments it cannot meet.

5.11 Reimbursement of tenderer costs

UT realises that tenders involve costs, but believes that both parties should bear their own costs: "The Tenderer bears the cost of its commercial efforts and UT the cost of its procurement efforts".

Only in cases where efforts are required from the Tenderer that go beyond qualifying for a contract or writing a tender, UT may proceed to reimburse the costs of these efforts. This may be the case, for example, when UT asks for part of the contract to be already carried out in order to produce a highly detailed design or to carry out a large-scale test delivery. If applicable, this will be expressly mentioned in the request for tender.

5.12 Time limits for the submission of tenders

Tenderers need sufficient time to submit the most suitable offer. UT therefore adjusts the deadlines to the complexity of the request. This means that UT uses at a minimum the legal deadlines for tenders, with longer deadlines if the tender is more complex.

5.13 Conditions of the Agreement

Procurement rules explicitly state that conditions must be in reasonable proportion to the subject matter of the contract. This point of concern applies to all possible tendering procedures. When tendering, UT declares the AISUT, ARBIT, DNR and/or UAV conditions to be applicable or draws up a customised agreement for the contract. In accordance with Section 2.53 of the Dutch Procurement Act, UT explicitly invites Tenderers to ask questions about the customised agreement and/or the procurement conditions.

5.14 Complaints procedure

The procurement rules state that a complaints hotline must be set up. UT has a procedure for handling complaints. To this end, UT refers to: klachtenmeldpunt-cfm@utwente.nl.

5.15 Procurement/tendering file

A file is created and archived for each procurement or tendering process. This file records why a procedure was chosen and why the Vendor in question was awarded the contract. So choices made can be justified afterwards.

5.16 The ordering process

UT uses an electronic Purchase-to-Pay (P2P) system for its orders. This system offers the organisation's order takers the opportunity to use the web shops of (contracted) Vendors. In addition, order takers can also place so-called 'free text' orders. These orders are handled by the Purchasing Department, ensuring compliance with procurement policies and rules. This reduces risks associated with legality and contract compliance.

A well-organised P2P process helps to realise procurement savings and reduce risks for UT, etc. The primary reason for this is that (existing) contracts are better utilised. The basic principle of the Procurement & Tendering Policy is that a purchase order (PO) is created for every order unless it concerns an exception (procurement package or vendor), appointed by the UT Purchasing Department in the exceptions list (found on the Purchasing Department website). If UT receives invoices without a PO number, these will be returned to the Vendor.

Definitions

In this procurement policy, the following definitions apply:

Procurement:

The process of procurement whereby the client awards the contract transparently and objectively to a contractor who meets certain requirements and has submitted the best offer.

Contract and Vendor management:

Periodically reviewing current contracts with the aim of matching the performance of Vendors with the agreements made. It also monitors compliance by its own organisation to make the best use of the contract terms.

Services:

Services as referred to in Section 1.1 of the Dutch Procurement Act.

Effectiveness:

A course of action is effective when the efforts and expenditure involved actually contribute to the achievement of the objective pursued and the costs are in proportion to the benefits obtained.

European procurement:

European procurement is an organised approach to purchasing. Procurement is when several parties are given the opportunity to tender for a contract. European procurement applies to government institutions (ministries, provinces and municipalities), public-law organisations and utilities sector, including energy and public-transport companies. If one of these services puts out a contract that exceeds a certain amount (threshold amount), European procurement is mandatory.

Transnational interests:

The interest that a foreign Vendor may have in a public contract to be awarded.

Purchasing:

(Legal) actions of UT aimed at the acquisition of Works, Supplies or Services and which result in one or more invoices from a Vendor with regard to said Works, Supplies or Services.

Procurement pack:

A procurement pack (or item group) is a homogeneous group of products (goods or services) that are purchased on the Vendor market.

Tenderer:

A natural person or legal entity that offers to perform the Contract by means of a Tender.

Vendor:

A 'contractor', a 'businessperson' or a 'service provider'.

Deliveries:

Deliveries as referred to in Section 1.1 of the Dutch Procurement Act.

National tendering:

Is a procedure in which publication usually takes place on the website of, for example, the tendering calendar and in which all interested service providers or Vendors can register.

Non-discriminatory:

A contracting authority shall treat all potential contractors equally.

Objective:

Procurement and tendering processes are based on facts and, as far as possible, on clear criteria.

Quotation:

An offer within the meaning of the Dutch Civil Code.

Request for quotation:

A single or multiple request by UT for work to be carried out or a (European) tender in accordance with the Dutch Procurement Act and the European Procurement Directives 2014/23/EU and 2014/24/EU.

Private tendering:

In this case, the buyer clearly indicates who is eligible for the future order. Two or more companies are contacted in advance and invited to make a binding offer. One party will then be selected. Only tendering companies may submit an offer.

Contractor:

The counterparty named by UT in the agreement.

Operational procurement:

Refers to the ordering of products, services and works with a distinction being made between 'individual' orders and orders within existing framework contracts.

Legal procurement:

Purchasing in accordance with laws and regulations.

Tactical procurement:

Tactical procurement refers to the competitive tendering of works, products and services resulting in an agreement or framework agreement.

Transparent:

All choices made in procurement and tendering processes must be justifiable.

Works:

Works as referred to in Section 1.1 of the Dutch Procurement Act.