

Complaints Procedure

1. Purpose and principles

Energie Beheer Nederland B.V. (EBN) considers the careful, transparent and lawful conduct of its tendering procedures and procurement policy of great importance. With this complaints procedure, EBN aims to handle complaints from (potential) tenderers in a timely, objective and careful manner so that—where possible—any ambiguities or deficiencies can be remedied at an early stage.

The guiding principle is compliance with the Dutch Public Procurement Act 2012 (Aanbestedingswet 2012) and the general principles of public procurement law, in particular the principles of equal treatment, transparency and adequate reasoning (motivation).

2. Scope

This complaints procedure applies to complaints relating to an ongoing or completed tendering procedure or request for quotation (RFQ) issued by EBN. Complaints may, among other things, concern the content of the tender documents, the method of evaluation or the reasoning underlying decisions.

3. Submitting a complaint

A complaint must be submitted in writing and with reasons to EBN via the contact person stated in the tender documents or RFQ; in case of doubt, this is inkoop@ebn.nl. The complaining tenderer clearly describes which parts of the tender the complaint concerns and why it disagrees. EBN encourages tenderers to submit complaints to EBN directly in the first instance.

4. Receipt and handling

After receipt of the complaint, the complaining party will receive an acknowledgement of receipt stating the period within which the complaint will be handled. The complaint will be assessed by a complaints committee consisting of at least a legal representative and a buyer or Purchase & Tender Coordinator of EBN who were not previously substantively involved in the relevant tendering procedure or RFQ, in order to safeguard the most objective assessment possible.

5. Assessment and decision-making

The complaints committee will assess the complaint with due care and may—if the complaint is (partly) upheld—advise adjustments to the tendering procedure or RFQ. If necessary, the Procurement Manager, Legal Counsel and the internal initiator will consult to arrive at an appropriate solution. The outcome of the complaint handling will be communicated to the complaining party with reasons.

6. Relationship to legal remedies

Submitting a complaint does not affect the tenderer's right to pursue legal remedies, including initiating summary proceedings (kort geding) before the competent court. If interim relief proceedings are initiated against EBN, the relevant legal steps will be taken.

7. Final provision

This complaints procedure forms an integral part of EBN's tender documents or RFQ. By participating in a tendering procedure or RFQ, the tenderer declares that it has taken note of and agrees to this complaints procedure.