



Open call for proposals MobilitymoveZ.NL 2020-1

Guidelines on the open call for private initiatives

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This document describes how companies can submit a proposal within the framework of the open call for 2020-01 private proposals of MobilitymoveZ.NL. More background information about this call for proposals can be found at www.mobilitymovez.nl

This document is an English translation for your convenience. In the event of discrepancies, the version in Dutch language shall prevail.

1. Introduction

MobilitymoveZ.NL wants to support innovations by testing their applicability in the mobility domain. MobilitymoveZ.NL is a public-private partnership and it is therefore essential that the innovations to be supported offer a perspective in terms of providing a positive contribution to traffic safety, accessibility, quality of life and sustainability.

MobilitymoveZ.NL therefore wants to test these initiatives in public spaces and also make it possible to continue to develop them step by step in those spaces. In this way innovations will be made suitable for scaling up and application at national and international level.

More information about the public partners involved in MobilitymoveZ.NL and about the various roles and instruments which MobilitymoveZ.NL has at its disposal, can be found in the 'Prior Information Notice of research and development requests for smart mobility assignments' which was published on TenderNED in October 2020 and is also available via www.MobilitymoveZ.NL.

This document describes the 'open call for proposals'. Companies that want to cooperate with the public authorities in MobilitymoveZ.NL are going to be invited to write and submit a proposal. This document describes how a proposal can be submitted, which criteria it has to fulfil and the way in which MobilitymoveZ.NL will evaluate it.

2. Scope

This 'Open call for proposals MobilitymoveZ.NL 2020-1' document describes how companies can submit a proposal for the testing and trialling of an innovation with which (privately) developed innovative products, services and/or systems in the mobility domain can be made suitable for use in a public environment. The aim is to test and evaluate the functioning of the innovation within the mobility domain.

This call for proposals is aimed at proposals in which an innovative solution is tested. The innovation that is to be tested, should consist of the following two elements:

- 1) A product or system which has already been developed and which must have reached the stage of tested prototype.
- 2) An innovation consisting of at least one of the following elements:
 - a. intended to make a product, service or system referred to in 1) suitable for practical application in the mobility domain and the public environment;
 - b. intended to make public space suitable for the use of a product or system as referred to in 1).

MobilitymoveZ.NL considers the situation referred to under 1) as a condition which has to be fulfilled in advance. During any implementation of the proposal MobilitymoveZ.NL wants to use its resources for elements 2a and 2b of the innovation. Agreements will be made about the intellectual property in a way which is consistent with this (see Annex 1).

3. Proposal submission process

The process for being able to test and innovation within the framework of MobilitymoveZ.NL consists of the following steps:

- 1) The private entity draws up a test proposal for the innovation and submits it to MobilitymoveZ.NL.
- 2) The private entity receives feedback on the proposal submitted from the participating public authorities.
- 3) If the party submitting the proposal is willing, the feedback will be processed together with MobilitymoveZ.NL and the definitive test proposal will be submitted.
- 4) The definitive proposal submitted is assessed by MobilitymoveZ.NL and the assessment outcomes are sent to the party that submitted the proposal.

*The assessment by MobilitymoveZ.NL is to be carried out by a team in which the initiating public authorities involved in MobilitymoveZ.NL are represented. This approach will ensure an initial basis of support for commissioning among any commissioning parties. This assessment team will include people with the relevant expertise in terms of content which is necessary for an estimation of the way in which the criteria are to be fulfilled (Chapter **Error! Reference source not found.**).*

If a proposal is positively assessed, the submitting party will be rewarded with an assignment to complete a 'Definition' phase.

- 5) The 'Definition' phase is when MobilitymoveZ.NL awards the commission which the party submitting the proposal will carry out, or coordinate, possibly in collaboration with public parties.

This 'Definition' phase is intended to result in an action plan which can be used to implement the submitted proposal during the subsequent phases of 'Development and preparation for testing' (step 7) and 'Testing and evaluation' (step 9). In this action plan the party submitting the proposal will describe, among other things, the division of tasks and resources necessary for successful testing. The plan must at least clarify what each of the parties that are participating in the proposal will be doing and when and what needs to be carried out, facilitated or financed by the public authorities in MobilitymoveZ.NL, and when. After a complete action plan has been submitted, as a result of the 'Definition' phase, MobilitymoveZ.NL will reimburse a fixed amount of € 5,000 (excl. VAT) to the party submitting the proposal.

- 6) Go/no-go decision by public authorities in MobilitymoveZ.NL.
- 7) The execution, or coordination, of the 'Development and preparation for testing' phase by the party submitting the proposal, possibly in collaboration with public parties.
- 8) Go/no-go decision by public authorities in MobilitymoveZ.NL.
- 9) The execution, or coordination, of the 'Testing and evaluation' phase by the party submitting the proposal, possibly in collaboration with public parties.

4. Schedule

The schedule and the expected lead times of the various steps are as follows:



- 1) Proposals can be submitted on a permanent basis up to and including 2023 without being subject to a deadline. Projects which result from these proposals must, in principle, have been fully completed by no later than 31 December 2023. In view of the expected lead times submission before 01-07-2023 is advisable. Submitted proposals will be processed as long as MobilitymoveZ.NL has supervision and processing capacity, as well as budget.
- 2) Within 4 weeks after submitting a proposal, written feedback will be provided on the submitted proposal based on the assessment by the public authorities participating in MobilitymoveZ.NL.
- 3) The maximum length of time for the party submitting the proposal to draw up a definitive proposal after receipt of the feedback is estimated as being 4 weeks. During this period the submitting party must decide whether it wishes to proceed to the next project phase, namely the 'Definition' phase.
- 4) The assessment (by MobilitymoveZ.NL) of the submitted definitive proposal and the granting of the commission for the 'Definition' phase will take approximately 2 weeks.
- 5) The expectation is that it will take approximately 2 months to complete the 'Definition' phase.
- 6) A go/no-go decision by the public authorities involved in MobilitymoveZ.NL will be issued by no later than 4 weeks after completion of the 'Definition' phase.

- 7) It is estimated that it will take the private party/parties, possibly in collaboration with public parties, 2 months to complete the 'Development and preparation for testing' phase in full.
- 8) A go/no-go decision by public authorities involved in MobilitymoveZ.NL will be issued by no later than 2 weeks after completion of the 'Development and preparation for testing' phase.
- 9) It is estimated that it will take the private party/parties, possibly in collaboration with public parties, 3 months to complete the 'Testing and evaluation' phase in full.

NB The length of time which the 'Development and preparation for testing' and 'Testing and evaluation' phases take may differ from the above and will be determined more accurately during the 'Definition' phase on the basis of consultation.

5. Template for proposals

The template made available by MobilitymoveZ.NL should be used to draw up and submit a proposal. The template describes the elements which have to be filled in and detailed. The template is available as a Word document at www.MobilitymoveZ.NL.

The template must be submitted by email via interest@mobilitymovez.nl.

6. Assessment of the proposal

Proposals that have been received will be assessed on the basis of a number of criteria that have to be fulfilled. Any proposal that does not fulfil these criteria will not be selected. However, the submitting party is allowed to amend and resubmit them at a later date. Proposals that do meet these criteria will be selected.

The following threshold criteria are to be applied. The proposal must clarify:

- 1) How the proposal makes it possible to test the innovation and which questions relating to the learning objectives will be answered in the process.
- 2) What exactly is the status of the situation referred to below under a) and how the innovation(s) referred to under b) are expected to be realised:
 - a. An existing product or system which must have reached the stage of tested prototype.
 - b. An innovation consisting of one or both of the following elements:
 - i. intended to make the product or system referred to suitable for practical application in the mobility domain and the public environment;
 - ii. intended to make public space suitable for the use of the product or system referred to.
- 3) That the innovation is intended for use in the mobility domain and interprets the objectives of the SmartwayZ.NL programme. See also the 'Prior Information Notice of Research & Development requests for smart mobility assignments' at www.MobilitymoveZ.NL.
- 4) That the new products that result from the submitted proposal offer a realistic perspective of making a positive contribution to the goals of the SmartwayZ.NL programme.
- 5) That this testing is aimed at use in public spaces.
- 6) That the innovation can be tested in a responsible way in public spaces.
- 7) That the party submitting the proposal is able to implement the proposal. More specifically:
 - a. The party submitting the proposal has agreed with all the parties needed for the realisation that the division of tasks and resources will be jointly developed during the 'Definition' phase and the action plan produced.
 - b. The proposal clearly describes which facilities or resources are to be requested from MobilitymoveZ.NL on behalf of the realisation of the proposal.
 - c. MobilitymoveZ.NL must estimate the nature and quantity of resources requested for the realisation of the proposal as realistic and feasible.

The initial estimates must be refined in the action plan that is to be drawn up in the 'Definition' phase so that MobilitymoveZ.NL can reassess it and relate it to the learning objective questions formulated by MobilitymoveZ.NL which need to be answered within the framework of the submitted innovation proposal. In its current budget for a period of 3 years MobilitymoveZ.NL has reserved a total of approximately 450 thousand euros for proposals submitted in response to this call for proposals. MobilitymoveZ.NL will decide per proposal on the amount that can be responsibly invested.

- 8) That the innovation offers realistic prospects with regard to possibilities for scaling up and use in the public domain, including potential interest among intended customers or users.

- 9) That the proposed agreements about intellectual property comply with the description in '**Error! Reference source not found.**'.
- 10) That the tendering party accepts the general terms and conditions of the Province of Noord-Brabant.
- 11) That none of the parties involved in the proposal are subject to the exclusion conditions as described in Articles 2.86 and 2.87 of the Public Procurement Act [Aanbestedingswet] (Aw) 2012.
- 12) That all the parties involved in the proposal approve the procurement conditions of the Province of Noord-Brabant, on behalf of any granting of a commission for the 'Definition' phase. This can be made clear by including an explicit statement in the innovation proposal.

NB: In the event that the 'Definition' phase is followed by a commission for the 'Development and preparation' and 'Testing and evaluation' phases, the procurement or subsidy conditions of the Province of Noord-Brabant must be approved in writing by all parties involved in the proposal. Proof that this situation is being complied with can also be made clear by including an explicit statement in the innovation proposal.

NB:

The innovation proposal must be drawn up using, and in conformity with, the template made available for that purpose.

If the above criteria are fulfilled, the proposal will be approved and a commission granted for the 'Definition' phase.

Annex

Annex 1: Intellectual property

Depending on the content and scope of the proposals received, it may be necessary to make proper agreements in advance relating to any intellectual property to be contributed, or to be developed as part of the submitted proposal.

With a view to the practical implementation of this, the following rules apply based on the earlier list of elements which make up the tested innovation:

- A. An existing product or system which must have reached the stage of tested prototype.
- B. An innovation consisting of at least one of the following elements:
 - i. intended to make the product or system referred to suitable for practical application in the mobility domain and the public environment;
 - ii. intended to make public space suitable for the use of the product or system referred to.

Rule 1: access to the private party's intellectual property.

This rule relates to element 1 in the innovation to be tested.

If, as part of its proposal, a private party has to access intellectual property that has already been developed towards MobilitymoveZ.NL, a Non-Disclosure-Agreement (NDA) must, depending on the situation, first be concluded with MobilitymoveZ.NL before the proposal can be submitted. The relevant format is included in Annex 3.

The applicable format is first customised (content, legal entities, etc.) and signed. This extra (process) step means MobilitymoveZ.NL can offer private parties more security, enabling them to put forward meaningful proposals. However, if the content of the NDA is (excessively) large in scope, MobilitymoveZ.NL may decide not to conclude an NDA, for example because this could limit the future actions of MobilitymoveZ.NL.

The point of departure when applying this rule is that the intellectual property belonging to element a) in the innovation to be tested remains entirely with the submitting parties. The right to use this intellectual property is laid down in the proposal, whereby the point of departure for the related negotiations is that user rights are, in principle, limited in order to facilitate the aim of the proposal (to test the innovation). Other user rights to element a) are not expected to be requested.

Rule 2: develop intellectual property as part of executing a proposal

This rule relates to elements B-i and B-ii in the innovation to be tested.

If intellectual property is created during the implementation of the proposal, contractual agreements will be made, depending on the content and scope of that intellectual property, between MobilitymoveZ.NL and the party submitting the proposal, prior to the actual implementation of the proposal with regard to the intellectual property to be developed and the related user rights. In principle, the same Non-Disclosure-Agreement will be used for this purpose. This format is first customised (content, legal entities, etc.) before being signed.

The point of departure when applying this rule is that the intellectual property belonging to elements B-i and B-ii in the innovation to be tested is assigned entirely to the submitting parties.

If the innovation of element B-i receives funding from MobilitymoveZ.NL, the right of use of the intellectual property belonging to element B-i is to be granted free and without restriction to the public authorities involved in MobilitymoveZ.NL and can be transferred free and without restriction by these public authorities to other public authorities or public organisations.

A free and unlimited right of use for public authorities involved in MobilitymoveZ.NL could hamper the transfer of the intellectual property by the party that submitted the initial proposal. This might be consequently obstructing the guaranteed scaling up of the innovation. In that case, the option of purchasing/surrendering that right of use, for example through restitution of the resources invested in the innovation by MobilitymoveZ.NL, can be discussed.

If the innovation of element B-ii receives funding from MobilitymoveZ.NL, the right of use of the intellectual property belonging to element B-ii is to be granted free and without restriction to all parties, including private parties.

The points of departure referred to in conjunction with rules 1 and 2 can be deviated from but only if MobilitymoveZ.NL and the party submitting the proposal have agreed to do so in writing. Further agreement on these rules is part of the intended step 3 of the process in Chapter 3 ('The joint processing of the feedback and submission of the definitive testing proposal is the submitting party is willing.').

Annex 2: Template for proposal

The template is available separately at www.MobilitymoveZ.NL.

Annex 3: confidentiality statement

The draft confidentiality statement included here forms the point of departure for the Non-Disclosure Agreement (NDA) which is concluded between MobilitymoveZ.NL and the party submitting the proposal. This point of departure can be deviated from but only if MobilitymoveZ.NL and the party submitting the proposal have agreed to do so in writing. Further agreement on these rules is part of the intended step 3 of the process in Chapter 3 ('The joint processing of the feedback and submission of the definitive testing proposal is the submitting party is willing.').

Mutual Non-Disclosure Agreement

Date: [Day/Month/2020]

, Part ID:

[NAME OF COMPANY], a company registered in [country] under company number [number on Register of Companies] whose registered office is at [address of office on the Register of Companies]

and

Provincie Noord-Brabant, an organization registered in the Netherlands under registration number 17278718 whose registered office is at Brabantlaan 1, 5216 TV 's-Hertogenbosch.

- 1) Each of the parties to this Agreement intends to disclose information (the Confidential Information) to the other party for the purpose of the evaluation of the proposal submitted by [name of company] (the Purpose).
- 2) Each party to this Agreement is referred to as 'the Recipient' when it receives or uses the Confidential Information disclosed by the other party.
- 3) The Recipient undertakes not to use the Confidential Information disclosed by the other party for any purpose except the Purpose, without first obtaining the written agreement of the other party.
- 4) The Recipient undertakes to keep the Confidential Information disclosed by the other party secure and not to disclose it to any third party, except to its employees and professional advisers, who need to know the same for the Purpose, who know they owe a duty of confidence to the other party and who are bound by obligations equivalent to those in clause 3 above and this clause 4.
- 5) The undertakings in clauses 3 and 4 above apply to all of the information disclosed by each of the parties to the other, regardless of the way or form in which it is disclosed or recorded but they do not apply to:
 - a) any information which is or in future comes into the public domain (unless as a result of the breach of this Agreement); or

- b) any information which is already known to the Recipient and which was not subject to any obligation of confidence before it was disclosed to the Recipient by the other party.
- 6) Nothing in this Agreement will prevent the Recipient from making any disclosure of the Confidential Information required by law or by any competent authority.
- 7) The Recipient will, on request from the other party, return all copies and records of the Confidential Information disclosed by the other party to the Recipient and will not retain any copies or records of the Confidential Information disclosed by the other party.
- 8) Neither this Agreement nor the supply of any information grants the Recipient any licence, interest or right in respect of any intellectual property rights of the other party except the right to copy the Confidential Information disclosed by the other party solely for the Purpose.
- 9) The undertakings in clauses 3 and 4 will continue in force for [insert number] years from the date of this Agreement.
- 10) 'This Agreement shall be governed by and construed in accordance with the laws of the Netherlands.' The Dutch Court in 's-Hertogenbosch will have non-exclusive jurisdiction to deal with any dispute which has arisen or may arise out of, or in connection with, this Agreement.

Signed by:

[insert name]] OR [on behalf of][insert name] by its duly authorised representative:

Signature

Name

Position

Signed by:

[insert name]] OR [on behalf of] [insert name] by its duly authorised representative]:

Signature

Name

Position



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Client : SmartayZ.NL
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