

VOLUNTARY EX ANTE TRANSPARENCY NOTICE

Supplies

Directive 2014/25/EU

SECTION I: CONTRACTING AUTHORITY/ENTITY

I.1) NAME AND ADDRESSES

Official name:

N.V. Nederlandse Gasunie

National ID:

152182772

Postal address:

Concourslaan 17

Town:

Groningen

NUTS code:

NL

Postal code:

9727 KC

Country:

NL

Contact person:

Ad Weterings

Telephone:

-

E-mail:

A.J.C.weterings@gasunie.nl

Fax:

-

Internet address(es)

Main address:

<http://www.gasunie.nl>

Address of the buyer profile:

-

I.6) MAIN ACTIVITY

- Production, transport and distribution of gas and heat

SECTION II: OBJECT

II.1) SCOPE OF THE PROCUREMENT

II.1.1) Title

Gasunie Transport Services is procuring extra nitrogen

Reference number: -

II.1.2) CPV code(s)

Main code:

24111700 - Stikstof

Supplementary code:

-

II.1.3) Type of contract

Supplies

II.1.4) Short description

GTS - Gasunie Transport Services is in the process of procuring the capacity of 80.000 m3/hour nitrogen at Linde situated at Tata Steel– IJmuiden near Amsterdam through a negotiated procedure without prior call for competition.

II.1.6) Information about lots

This contract is divided into lots: no

II.1.7) Total value of the procurement (excluding VAT)

Lowest offer: 6 000 000,00 / Highest offer: 7 000 000,00 taken into consideration

Currency: EUR

II.2) DESCRIPTION

II.2.1) Title

-

Lot No: -

II.2.2) Additional CPV code(s)

-

II.2.3) Place of performance

NUTS code:

NL NEDERLAND

Main site or place of performance:

Ijmuiden

II.2.4) Description of the procurement:

(nature and quantity of works, supplies or services or indication of needs and requirements)

an extra 80.000 m3/hour nitrogen

II.2.5) Award criteria

Quality criterion

Name: Nitrogen

Weighting: 100

Quality criterion

Name: Nitrogen

Weighting: 100

Cost criterion

Name: Nitrogen

Weighting: 100

II.2.11) Information about options

Options: no

II.2.13) Information about European Union funds

The procurement is related to a project and/or programme financed by European Union funds: no

II.2.14) Additional information:

-

SECTION IV: PROCEDURE

IV.1) DESCRIPTION

IV.1.1) Type of procedure

Negotiated procedure without prior call for competition

IV.1.3) Information about framework agreement

The procurement involves the establishment of a framework agreement: yes

IV.1.8) Information about the Government Procurement Agreement (GPA)

The procurement is covered by the Government Procurement Agreement: yes

IV.2) ADMINISTRATIVE INFORMATION

IV.2.1) Previous publication concerning this procedure

Notice number in the OJ S: -

SECTION V: AWARD OF CONTRACT / CONCESSION

Contract No: 1

Lot No: -

Title: Gasunie Transport Services is procuring extra nitrogen

V.2) AWARD OF CONTRACT / CONCESSION

V.2.1) Date of conclusion of the contract/concession award decision:

18/12/2018

V.2.2) Information about tenders

The contract has been awarded to a group of economic operators: no

V.2.3) Name and address of the contractor/concessionaire

Official name:

Linde Gas Benelux BV

National ID:

-

Postal address:

Havenstraat 1

Town:

Schiedam

NUTS code:

NL

Postal code:

3115 HC

Country:

NL

Telephone:

-

E-mail:

-

Fax:

-

Internet address:

-

The contractor/concessionaire is an SME: yes

V.2.4) Information on value of the contract/lot/concession (excluding VAT)

Initial estimated total value of the contract/lot/concession:

-

19/12/2018

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Total value of the contract/lot/concession: 6 000 000,00

Currency: EUR

V.2.5) Information about subcontracting

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SECTION VI: COMPLEMENTARY INFORMATION

VI.3) ADDITIONAL INFORMATION

Type of procedure: Negotiated procedure without prior call for competition

The works, supplies or services can be provided only by a particular economic operator for the following reason: absence of competition for technical reasons

Explanation:

For this tender the negotiation procedure is used without prior notice. Gasunie can legitimately apply this procedure by invoking Articles 3.36, paragraph c, sub 2 and 3.37, sub a and b of the 2012 Public Procurement Act.

Up to 20 days after this publication, a protest can be lodged with the court in Groningen.

VI.4) PROCEDURES FOR REVIEW

VI.4.1) Review body

Official name:

Rechtbank Noord Nederland Groningen

Postal address:

Postbus 781

Town:

Groningen

Postal code:

9700 AT

Country:

NL

E-mail:

info.rechtbanknoordnederland@rechtspraak.nl

Telephone:

+31 883614444

Internet address:

<http://www.rechtspraak.nl>

Fax:

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VI.4.2) Body responsible for mediation procedures

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VI.4.3) Review procedure

Precise information on deadline(s) for review procedures:

For this tender the negotiation procedure is used without prior notice. Gasunie can legitimately apply this procedure by invoking Articles 3.36, paragraph c, sub 2 and 3.37, sub a and b of the 2012 Public Procurement Act.

Up to 20 days after this publication, a protest can be lodged with the court in Groningen.

VI.4.4) Service from which information about the review procedure may be obtained

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VI.5) DATE OF DISPATCH OF THIS NOTICE

19/12/2018

ANNEX D2 – UTILITIES: JUSTIFICATION FOR THE AWARD OF THE
CONTRACT WITHOUT PRIOR PUBLICATION OF A CALL FOR COMPETITION
IN THE OFFICIAL JOURNAL OF THE EUROPEAN UNION

Directive 2014/25/EU

**D2.1) Justification for the choice of the negotiated procedure without prior
publication of a call for competition in accordance with Article 50 of Directive
2014/25/EU**

The works, supplies or services can be provided only by a particular economic operator for the following reason:

- absence of competition for technical reasons

D2.3) Explanation

Please explain in a clear and comprehensive manner why the award of the contract without prior publication in the Official Journal of the European Union is lawful, by stating the relevant facts and, as appropriate, the conclusions of law in accordance with the directive:

1. At the moment Linde, Tata Steel and GTS have a long term three party contract for – among others – the delivery of nitrogen and oxygen to Tata Steel and nitrogen to GTS. Linde/ Tata Steel have an extra 80.000 m3/hour nitrogen available which is already being produced as a by-product of the oxygen Tata Steel needs. This nitrogen currently is released back into the atmosphere.
2. An existing GTS pipeline which is in use for several decennia between IJmuiden and Wieringermeer for transportation of nitrogen can handle this extra capacity.
3. If this opportunity did not exist GTS would not procure extra nitrogen to be delivered at the location Wieringermeer in the foreseeable future.
4. Due to the decision of the Dutch government to reduce the production of the Groningen gas field as soon as possible GTS needs extra nitrogen in order to convert the quality of the

H-gas from other sources to the “Groningen-quality”. Therefore a new nitrogen plant has to be built in the region of East Groningen. Although the place Wieringermeer is not the most ideal location for injection of additional nitrogen, GTS decided to use this opportunity because of the availability of the extra nitrogen at IJmuiden and the availability of extra capacity in the existing 55 km long nitrogen-pipeline from IJmuiden to Wieringermeer. Any alternative would require more time before the nitrogen is available.