

VOLUNTARY EX ANTE TRANSPARENCY NOTICE

Supplies

Directive 2014/24/EU

SECTION I: CONTRACTING AUTHORITY/ENTITY

I.1) NAME AND ADDRESSES

Official name:

Universiteit Utrecht

National ID:

30147272

Postal address:

Heidelberglaan 8 Utrecht

Town:

Utrecht

NUTS code:

NL

Postal code:

3584 CS

Country:

NL

Contact person:

Universiteit Utrecht Hoofdkantoor

Telephone:

+31 638679645

E-mail:

r.m.vangenderen@uu.nl

Fax:

-

Internet address(es)

Main address:

<http://www.uu.nl>

Address of the buyer profile:

<https://platform.negometrix.com/PublishedTenders.aspx?tenderid=213893>

I.4) TYPE OF THE CONTRACTING AUTHORITY

Body governed by public law

I.5) MAIN ACTIVITY

- Education

SECTION II: OBJECT

II.1) SCOPE OF THE PROCUREMENT

II.1.1) Title

Voluntary ex ante transparency notice - LSM 980 on Inverted Microscope AxioObserver 7

Reference number: 20221223

II.1.2) CPV code(s)

Main code:

38510000 - Microscopen

Supplementary code:

-

II.1.3) Type of contract

Supplies

II.1.4) Short description

The Utrecht University intends to award the following subject to Carl Zeiss B.V., located at Postbus 4838, 4803 EV Breda, Chamber of Commerce number 32033579.

Subject of the tender

The subject of the tender concerns the delivery, installation and maintenance of a LSM 980 on Inverted Microscope AxioObserver 7 for research purposes at the Faculty of Science.

Delivery, installation and maintenance includes:

- The delivery of the apparatus and equipment on site of the Utrecht University, including necessary permits for import and transport.
- Placing the apparatus and equipment in the intended space.
- Installation and turn-key delivery of the apparatus and equipment.
- Performing a Site Acceptance Test (SAT). We check if the system fulfills and will keep to fulfill our requirements.
- Training the employees of the Utrecht University to use the hardware and software.
- Disposal of packaging.
- Carry out software and hardware upgrades and updates.
- Yearly preventive maintenance of the complete system.
- Corrective maintenance based on recalculation.

The contract has a duration of fifteen (15) years, built up as following:

1. After the acceptance of the SAT the warrantee period of one (1) year will commence.
2. After expiration of the warrantee period, the initial maintenance period of two (2) years will commence.
3. After expiration of the initial maintenance period of two (2) years, the contract can be extended twelve (12) times with one (1) year.

The estimated value is € 500.000,- excluding VAT for the delivery, installation, warrantee and initial maintenance period.

Voluntary ex ante transparency notice

This notice is a 'Voluntary ex ante transparency notice'.

The Utrecht University believes this subject can be awarded by means of a Negotiated Procedure without Prior Publication, because:

- 1) Competition is absent for technical reasons (article 2.32, section 1, sub b point 2 Public Procurement Act 2012), and
- 2) The protection of exclusive rights, including intellectual property rights (article 2.32, section 1, sub b point 3 Public Procurement Act 2012), and
- 3) no reasonable alternative or substitute exists and the competition has not been reduced artificially (article 2.32, section 3 Public Procurement Act 2012).

This notice is only used to make the intended choice of procedure known to the market in advance in order to give interested parties the opportunity to express any objections. If, despite the above justification, interested parties wish to object to the above proposal, they must submit a reasoned objection to the continuation of this procedure within a period of 20 calendar days (at the latest January 13th 2023) after publication of this notice. For this you can contact Rocky van Genderen via r.m.vangenderen@uu.nl.

Utrecht University will take any objection into account in its consideration. If, despite our explanation/response to your questions or objections, you are unable to agree with this notice, you can submit summary proceedings to the Midden-Nederland District Court in Utrecht. You must do so within 20 calendar days of the publication of this notice. If no objection has been made during this period, the rights of companies to challenge the proposed procedure lapse.

II.1.6) Information about lots

This contract is divided into lots: no

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

Value: 500 000,00

Currency: EUR

II.2) DESCRIPTION

II.2.1) Title

-

Lot No: -

II.2.2) Additional CPV code(s)

Main code:

38510000 - Microscopen

Supplementary code:

-

II.2.3) Place of performance

NUTS code:

NL NEDERLAND

Main site or place of performance:

Utrecht

II.2.4) Description of the procurement:

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

The subject of the tender concerns the delivery, installation and maintenance of a LSM 980 on Inverted Microscope AxioObserver 7 for research purposes at the Faculty of Science.

Delivery, installation and maintenance includes:

- The delivery of the apparatus and equipment on site of the Utrecht University, including necessary permits for import and transport.
- Placing the apparatus and equipment in the intended space.
- Installation and turn-key delivery of the apparatus and equipment.
- Performing a Site Acceptance Test (SAT). We check if the system fulfills and will keep to fulfill our requirements.
- Training the employees of the Utrecht University to use the hardware and software.
- Disposal of packaging.
- Carry out software and hardware upgrades and updates.
- Yearly preventive maintenance of the complete system.
- Corrective maintenance based on recalculation.

II.2.5) Award criteria

-

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:

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SECTION IV: PROCEDURE

IV.1) DESCRIPTION

IV.1.1) Type of procedure

Award of a contract without prior publication of a call for competition in the Official Journal of the European Union in the cases listed below

IV.1.3) Information about framework agreement

-

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

The procurement is covered by the Government Procurement Agreement: no

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: 20221223

Lot No: 1

Title: LSM 980 on Inverted Microscope AxioObserver 7

V.2) AWARD OF CONTRACT / CONCESSION

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

22/12/2022

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:

Carl Zeiss B.V.

National ID:

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Postal address:

-

Town:

Breda

NUTS code:

NL

Postal code:

-

Country:

NL

Telephone:

-

E-mail:

-

Fax:

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Internet address:

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The contractor/concessionaire is an SME: no

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

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

-

25/12/2022

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Total value of the contract/lot/concession: 500 000,00

Currency: EUR

V.2.5) Information about subcontracting

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SECTION VI: COMPLEMENTARY INFORMATION

VI.3) ADDITIONAL INFORMATION

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VI.4) PROCEDURES FOR REVIEW

VI.4.1) Review body

Official name:

Midden-Nederland District Court

Postal address:

-

Town:

Utrecht

Postal code:

-

Country:

NL

E-mail:

-

Telephone:

-

Internet address:

-

Fax:

-

VI.4.2) Body responsible for mediation procedures

-

VI.4.3) Review procedure

Precise information on deadline(s) for review procedures:

-

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

23/12/2022

ANNEX D1 – GENERAL PROCUREMENT: JUSTIFICATION FOR THE AWARD OF THE CONTRACT WITHOUT PRIOR PUBLICATION OF A CALL FOR COMPETITION IN THE OFFICIAL JOURNAL OF THE EUROPEAN UNION

Directive 2014/24/EU

D1.2) Other justification for the award of the contract without prior publication of a call for competition in the Official Journal of the European Union

The procurement falls outside the scope of application of the directive

D1.3) 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: This notice is a ‘Voluntary ex ante transparency notice’.

The Utrecht University believes this subject can be awarded by means of a Negotiated Procedure without Prior Publication, because:

- 1) Competition is absent for technical reasons (article 2.32, section 1, sub b point 2 Public Procurement Act 2012), and
- 2) The protection of exclusive rights, including intellectual property rights (article 2.32, section 1, sub b point 3 Public Procurement Act 2012), and
- 3) no reasonable alternative or substitute exists and the competition has not been reduced artificially (article 2.32, section 3 Public Procurement Act 2012).

Motivation

The LSM 980 on Inverted Microscope AxioObserver 7 of Carl Zeiss B.V. has a combination of necessary requirements for research at the Faculty of Science which makes the apparatus unique. The motivation is added as attachment.