

MODIFICATION NOTICE
MODIFICATION OF A CONTRACT/CONCESSION DURING ITS TERM
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:

Johan Draijer

Telephone:

+31 651540984

E-mail:

j.draijer@gasunie.nl

Fax:

-

Internet address(es)

Main address:

<http://www.gasunie.nl>

Address of the buyer profile:

-

SECTION II: OBJECT

II.1) SCOPE OF THE PROCUREMENT

II.1.1) Title

Supply of pipe material for WarmtelinQ

Reference number: WS2351274550

II.1.2) CPV code(s)

Main code:

44160000 - Pijpleidingen, pijpleidingstelsels, pijpen, mantelbuizen, binnenbuizen en aanverwante artikelen

Supplementary code:

-

II.1.3) Type of contract

Supplies

II.2) DESCRIPTION

II.2.1) Title

Non-insulated materials for the realisation of WarmtelinQ pipeline (max. two suppliers),

Lot No: 2

II.2.2) Additional CPV code(s)

Main code:

44161000 - Pijpleidingen

Supplementary code:

-

II.2.3) Place of performance

NUTS code:

NL33 Zuid-Holland

Main site or place of performance:

Area Rotterdam - The Hague

II.2.4) Description of the procurement at the time of conclusion of the contract:

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

Pipeline Vlaardingen - The Hague (23 km) with extensions Westland; Vondelingenplaat (south of Vlaardingen);

Possible extensions Leiden, more than 20 km;

Possible local extensions of smaller sizes which total to several dozen kilometres.

II.2.7) Duration of the contract, framework agreement, dynamic purchasing system or concession

Duration in months: 48

Directive 2014/25/EU - In the case of framework agreements, provide justification for any duration exceeding 8 years:

optional extension of two (2) times two (2) years.

Lot 1: three suppliers;

Lot 2: two suppliers. One more supplier in backup contract.

II.2.13) Information about European Union funds

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

SECTION IV: PROCEDURE

IV.2) ADMINISTRATIVE INFORMATION

IV.2.1) Contract award notice concerning this contract

Notice number in the OJ S: 2021/S 228-601563

SECTION V: AWARD OF CONTRACT / CONCESSION

Contract No: 2

Lot No: 2

Title: Award of Lot 2

V.2) AWARD OF CONTRACT / CONCESSION

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

18/10/2021

V.2.2) Information about tenders

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

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

Official name:

FW-FERNWÄRME-TECHNIK GmbH

National ID:

HRB 101126

Postal address:

Grafftring 2

Town:

Celle

NUTS code:

DE

Postal code:

D-29227

Country:

DE

Telephone:

-

E-mail:

-

Fax:

-

Internet address:

-

The contractor/concessionaire is an SME: yes

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

Total value of the procurement: 22 830 521,00 Currency: EUR

SECTION VI: COMPLEMENTARY INFORMATION

VI.3) ADDITIONAL INFORMATION

-

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:

-

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

-

VI.5) DATE OF DISPATCH OF THIS NOTICE

30/11/2021

SECTION VII: MODIFICATIONS TO THE CONTRACT / CONCESSION

VII.1) DESCRIPTION OF THE PROCUREMENT AFTER THE MODIFICATIONS

VII.1.1) CPV code(s)

Main code:

44161000 - Pijpleidingen

Supplementary code:

-

VII.1.2) Additional CPV code(s)

-

VII.1.3) Place of performance

NUTS code:

NL33 Zuid-Holland

Main site or place of performance:

The Hague

VII.1.4) Description of the procurement

2. The timely delivery and temporary storage of at least:

- a. SJP pipe in diameters varying from DN200 - DN700, including all main components, fittings, bends and vacuum system and so on;
- b. Jacket pipe for closed front drilling.

VII.1.5) Duration of the contract, framework agreement, dynamic purchasing system or concession

Duration in months: 48

VII.1.6) Information on value of the contract/lot/concession (excluding VAT)

Total value of the contract/lot/concession: 20 964 666,00 Currency: EUR

VII.1.7) Name and address of the contractor/concessionaire

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

Official name:

FW-FERNWÄRME-TECHNIK GmbH

National ID:

-

Postal address:

Grafftring 2

Town:

Celle

NUTS code:

DE

Postal code:

D-29227

Country:

DE

Telephone:

-

E-mail:

-

Fax:

-

Internet address:

-

The contractor/concessionaire is an SME: yes

VII.2) INFORMATION ABOUT MODIFICATIONS

VII.2.1) Description of the modifications

Nature and extent of the modifications (with indication of possible earlier changes to the contract):

Increase of contract price due to later investment decision (FID) and unexpected market price increase

VII.2.2) Reasons for modification

Need for modification brought about by circumstances which a diligent contracting authority/entity could not foresee (Art. 43(1)(c) of Directive 2014/23/EU, Art. 72(1)(c) of Directive 2014/24/EU, Art. 89(1)(c) of Directive 2014/25/EU)

Description of the circumstances which rendered the modification necessary and explanation of the unforeseen nature of these circumstances:

The moment for investment decision (FID) for WarmtelinQ was scheduled to take place on ultimately 1 July.

FID had to be delayed unexpectedly because in April 2021 the key launching customer of the project surprisingly was not able to commit to the project in time which came as a complete surprise to all parties involved; there was no signal that FID would not be able to take place on 1 July.

This delay only became known at the end of April 2021:

- * after tender Lot 1 had been submitted;
- * after the award decision 16 Mar 2021;
- * after expiry of the legal protection period (6 Apr 2021).

The project was not viable without the launching customer and FID had to be postponed to 8 November 2021. Prices for steel and other commodities had also unexpectedly risen significantly. The delay in FID and the unexpected rise in market prices are jointly and separately an unexpected external circumstance that justifies an increase of the price under the further agreement (AW 3.80d jo 2.163e).

VII.2.3) Increase in price

Updated total contract value before the modifications (taking into account possible earlier contract modifications and price adaptations and, in the case of Directive 2014/23/EU, average inflation in the Member State concerned)

Value excluding VAT: 20 964 666,00 Currency: EUR

Total contract value after the modifications

Value excluding VAT: 22 830 521,00 Currency: EUR