

VOLUNTARY EX ANTE TRANSPARENCY NOTICE

Supplies

Directive 2014/24/EU

SECTION I: CONTRACTING AUTHORITY/ENTITY

I.1) NAME AND ADDRESSES

Official name:

Universiteit Twente

National ID:

50130536

Postal address:

Drienerlolaan 5

Town:

Enschede

NUTS code:

NL

Postal code:

7522NB

Country:

NL

Contact person:

Camilio Delfgaauw

Telephone:

+31 534891512

E-mail:

c.delfgaauw@utwente.nl

Fax:

-

Internet address(es)

Main address:

<http://www.utwente.nl>

Address of the buyer profile:

<https://s2c.mercell.com/buyer/16033>

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

Laser for Laser-Induced-Fluorescence measurement with double dyes

Reference number: EB-OUT 5982

II.1.2) CPV code(s)

Main code:

38636100 - Lasers

Supplementary code:

-

II.1.3) Type of contract

Supplies

II.1.4) Short description

University of Twente (UT) wishes to be as transparent as possible towards the market. In addition, UT wishes to prevent legal uncertainty (a possible nullification of the agreement based on Article 4.15 Public Procurement Act 2012). For this reason, UT hereby publishes an 'ex ante announcement' within the meaning of Article 4.16 paragraph 1 sub b Public Procurement Act 2012, in which it expresses its intention to directly award a contract. Below, UT will further explain why it believes that the contract can be awarded directly, without prior notification as referred to in Article 4.16 paragraph 1 sub a Public Procurement Act 2012. Finally, UT will provide information about the legal protection available to entrepreneurs to object to the intention to award the contract.

II.1.6) Information about lots

This contract is divided into lots: no

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

Value: 120 000,00

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:

-

II.2.4) Description of the procurement:

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

Purchase of a Laser for a Laser-Induced-Fluorescence measurement with double dyes

II.2.5) Award criteria

Cost criterion

Name: Quality

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 publication

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: -

Lot No: -

Title: -

V.2) AWARD OF CONTRACT / CONCESSION

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

05/07/2023

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:

Litron Lasers Ltd

National ID:

-

Postal address:

-

Town:

Rugby

NUTS code:

UK

Postal code:

-

Country:

UK

Telephone:

-

E-mail:

-

Fax:

-

Internet address:

-

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:

-

07/07/2023

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Total value of the contract/lot/concession: 120 000,00

Currency: EUR

V.2.5) Information about subcontracting

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SECTION VI: COMPLEMENTARY INFORMATION

VI.3) ADDITIONAL INFORMATION

University of Twente (UT) wishes to be as transparent as possible towards the market. In addition, UT wishes to prevent legal uncertainty (a possible nullification of the agreement based on Article 4.15 Public Procurement Act 2012). For this reason, UT hereby publishes an 'ex ante announcement' within the meaning of Article 4.16 paragraph 1 sub b Public Procurement Act 2012, in which it expresses its intention to directly award a contract to Litron Lasers Ltd . Below, UT will further explain why it believes that the contract can be awarded directly to Litron Lasers Ltd, without prior notification as referred to in Article 4.16 paragraph 1 sub a Public Procurement Act 2012. Finally, UT will provide information about the legal protection available to entrepreneurs to object to the intention to award the contract.

VI.4) PROCEDURES FOR REVIEW

VI.4.1) Review body

Official name:

Rechtbank overijssel

Postal address:

-

Town:

Zwolle

Postal code:

-

Country:

NL

E-mail:

-

Telephone:

-

Internet address:

-

Fax:

-

VI.4.2) Body responsible for mediation procedures

Official name:

University of Twente CFM

Postal address:

Postbus

Town:

Enschede

Postal code:

217

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Country:

NL

E-mail:

klachtenmeldpunt-cfm@uwtente.nl

Telephone:

+31 53489000

Internet address:

-

Fax:

-

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

05/07/2023

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

D1.1) Justification for the choice of the negotiated procedure without prior publication of a call for competition in accordance with Article 32 of Directive 2014/24/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

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: UT takes the position that the contract can be awarded directly to Litron Lasers Ltd due to the absence of competition for technical reasons within the meaning of Article 2.32 paragraph 1 sub b bullet 2 Public Procurement Act 2012. According to UT, there is also no reasonable alternative or substitute within the meaning of Article 2.32 paragraph 3 Public Procurement Act 2012 that can meet the reasonable requirements of UT, as stated in the document attached to the publication.