

## **VOLUNTARY EX ANTE TRANSPARENCY NOTICE**

### **Supplies**

Directive 2009/81/EC

#### **SECTION I: CONTRACTING AUTHORITY/ENTITY**

##### **I.1) NAME AND ADDRESSES**

Official name:

Ministry of Defense

National ID:

27370985

Postal address:

Herculeslaan 1

Town:

Utrecht

NUTS code:

NL

Postal code:

3584 AB

Country:

NL

Contact person:

M. Bernards

Telephone:

+31 613989929

E-mail:

[MF.Bernards.02@mindef.nl](mailto:MF.Bernards.02@mindef.nl)

Fax:

-

##### **Internet address(es)**

Main address:

<http://www.defensie.nl>

Address of the buyer profile:

<https://platform.negometrix.com/PublishedTenders.aspx?tenderid=224762>

##### **I.4) TYPE OF THE CONTRACTING AUTHORITY**

Ministry or any other national or federal authority, including their regional or local subdivisions

##### **I.5) MAIN ACTIVITY**

- Defence

## SECTION II: OBJECT

### **II.1) SCOPE OF THE PROCUREMENT**

#### **II.1.1) Title**

project vMUH

Reference number: -

#### **II.1.2) CPV code(s)**

Main code:

35600000 - Militaire lucht- en ruimtevaartuigen en raketten

Supplementary code:

-

#### **II.1.3) Type of contract**

Supplies

#### **II.1.4) Short description**

This concerns the intention to award the contract for the supply of a number of multi utility helicopters for RNLAf.

#### **II.1.6) Information about lots**

This contract is divided into lots: no

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

Value: 1,00

Currency: EUR

### **II.2) DESCRIPTION**

#### **II.2.1) Title**

-

Lot No: -

## **II.2.2) Additional CPV code(s)**

Main code:

35000000 - Uitrusting voor veiligheid, brandweer, politie en leger

Supplementary code:

-

Main code:

35612400 - Militaire transporthelikopters

Supplementary code:

-

Main code:

35640000 - Delen voor militaire lucht- en ruimtevaartapparatuur

Supplementary code:

-

Main code:

35710000 - Commando-, controle-, communicatie- en computersystemen

Supplementary code:

-

Main code:

35720000 - Inlichtingen, bewaking, doelopsporing en verkenning/ISTAR

Supplementary code:

-

Main code:

35730000 - Elektronische oorlogsvoeringssystemen en tegenmaatregelen

Supplementary code:

-

Main code:

35740000 - Veldslagsimulatoren

Supplementary code:

-

## **II.2.3) Place of performance**

NUTS code:

NL NEDERLAND

Main site or place of performance:

tbd

## **II.2.4) Description of the procurement:**

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

This concerns the intention to award the contract for the supply of a number of multi utility helicopters for RNLAf.

## **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:**

N/A

## SECTION IV: PROCEDURE

### **IV.1) DESCRIPTION**

#### **IV.1.1) Type of procedure**

Negotiated procedure without publication of a contract notice

#### **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: 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:** -

**Lot No:** -

**Title:** -

### **V.2) AWARD OF CONTRACT / CONCESSION**

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

01/10/2023

#### **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:

Airbus Helicopters

National ID:

-

Postal address:

-

Town:

Marignane

NUTS code:

FR

Postal code:

-

Country:

FR

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:

1,00

15/10/2023

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Total value of the contract/lot/concession: 1,00

Currency: EUR

**V.2.5) Information about subcontracting**

-

## SECTION VI: COMPLEMENTARY INFORMATION

### **VI.3) ADDITIONAL INFORMATION**

-

### **VI.4) PROCEDURES FOR REVIEW**

#### **VI.4.1) Review body**

Official name:

Rechtbank

Postal address:

-

Town:

Den Haag

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**

-

### **VI.5) DATE OF DISPATCH OF THIS NOTICE**

12/10/2023

## ANNEX D3 – DEFENCE AND SECURITY: JUSTIFICATION FOR THE AWARD OF THE CONTRACT WITHOUT PRIOR PUBLICATION OF A CALL FOR COMPETITION IN THE OFFICIAL JOURNAL OF THE EUROPEAN UNION

### Directive 2009/81/EC

#### **D3.1) Justification for the choice of the negotiated procedure without publication of a call for competition in accordance with Article 28 of Directive 2009/81/EC**

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

- absence of competition for technical reasons

#### **D3.3) 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: Project vMUH (vervanging Medium Utility Helikopter) is a project to replace the Cougar helicopters of the Royal Netherlands Air Force (RNLAf). The main mission profile of the new helicopters will be for our Special Operation Forces (SOF). From September until November 2022 all relevant branches of NLD SOF, RNLAf and other divisions of NLD MoD have put together the list of Program of Requirements (PoR) of the new MUH. This set of requirements is derived from the diverse *modus operandi* employed by our Special Forces, and due to their distinct status within our Ministry of Defense, will be treated as confidential/secret. It is essential to recognize the private nature of these user requirements. Since a third party could potentially deduce the desired or planned method of use from them, we are refraining from providing additional information about the user requirements or the intended platform usage. Consequently, these details are classified as secret. Therefore, we regret to inform you that we cannot offer any further responses to potential questions you may have on this matter.

Most important selection criteria for these SOF operations are:

- (1) Meet the strict requirement of a military proven concept (in SOF role);
- (2) with the desired COTS/MOTS SOF mission equipment available;

- (3) a required minimum loading capacity;
- (4) meet the requirement for deployability (transport in C390M and mission ready within 4 hours and/or HAAR[1]); and
- (5) delivery of the first aircraft by 2028.

A research was conducted based on open source information, desk research, expert observations and experiences of military helicopter operators (SOF). After this research, the project team came to the conclusion that only one supplier is able to meet the PoR. The NLD MoD as Contracting Authority will therefore conduct a tendering procedure pursuant to Article 2.23(1b) of the Dutch Defence and Security Procurement Act (ADV), being the negotiated procedure without prior publication.