

15/07/2024

## 1. Buyer

### 1.1 Buyer

Official name: Groningen Seaports n.v.

Legal type of the buyer: Public undertaking

Activity of the contracting entity: Port-related activities

## 2. Procedure

### 2.1 Procedure

Title: Replacement VTS radar system Groningen Seaports (NL)

Description: In essence, the service to be provided consists of: • To supply, configure, install and to hand over a complete ready-to-use VTS-Radar system, including radars, aerials, the required hardware and software, and network components. • Service and maintenance for at least two years. • Annual refresher training for the users. • To improve the quality of the radar picture compared to the current radar. The port of Delfzijl is equipped with 4 radar posts. The port of Eemshaven is equipped with 3 radar posts. In essence, the service to be provided consists of: • To supply, configure, install and to hand over a complete ready-to-use VTS-Radar system, including radars, aerials, the required hardware and software, and network components. • Service and maintenance for at least two years. • Annual refresher training for the users. • To improve the quality of the radar picture compared to the current radar. The port of Delfzijl is equipped with 4 radar posts. The port of Eemshaven is equipped with 3 radar posts.

Procedure identifier: d93442e8-aeba-4598-a456-bb58784534bc

Internal identifier: P000176

Type of procedure: Restricted

The procedure is accelerated: no

#### 2.1.1 Purpose

Main nature of the contract: Supplies

Main classification (cpv): 35722000Radar

#### 2.1.2 Place of performance

Country: Netherlands

Anywhere in the given country

Additional information: Delfzijl en Eemshaven

## 2.1.4 General information

Additional information: We withdraw the tender procedure due to a procedural error. The award criterion is the “best price-quality ratio”. The ‘price’ criterion is described in paragraph 5.1 of the Tender Guidance. The Tender Guidance does not describe which elements of the tender are taken into consideration for assessing the ‘price’ criterion. “We have established that this has produced lack of clarity on several points, and that there is ambiguity in the tender documents: The maintenance of the radar system to be supplied for a period of 10 years is part of the order. On the one hand, the Price sheet added to the tender documents as Annex 01 asks for one price for the contract. This would suggest that the costs of maintenance must be included in the price referred to in paragraph 5.1 of the Tender Guidance. On the other hand, “annual yearly costs SLA” is an assessment aspect of the “service level agreement (SLA)” qualitative criterion described in paragraph 5.2.4 of the Tender Guidance. That would suggest that the costs of maintenance must NOT be included in the price referred to in paragraph 5.1 of the Tender Guidance. The costs of maintenance are a substantial element of the total cost. The manner in which the costs of maintenance are included in the assessment of the tenders has a major impact on the assessment price described in paragraph 5.1 of the Tender Guidance. During the assessment of the tenders, it became evident that the tenderers have included the costs of software in their price in various ways. That made it impossible to compare the tenders. As a special-sector company, Groningen Seaports has the duty to formulate the conditions clearly, accurately, and unambiguously on the basis of the principle of transparency. Unfortunately, we have to observe that the ‘price’ criterion described in paragraph 5.1 of the Tender Guidance does not meet this standard. That signifies a breach of the transparency principle, and the tender procedure has to be withdrawn.

Legal basis:

Directive 2014/25/EU

## 5. Lot

### 5.1 Lot technical ID:LOT-0000

Title: 1

Description: The contract consists of one lot, as the work constitutes a coherent whole. Furthermore, by offering the work in this way, without dividing it into lots, Groningen Seaport aims to prevent inefficiency and additional costs for both the market players and itself. The work concerns a coherent whole, which makes it unattractive to divide it into several lots from a structural, organisational, or financial point of view. In essence, the service to be provided consists of: • To supply, configure, install and to hand over a complete ready-to-use VTS-Radar system, including radars, aerials, the required hardware and software, and network components. • Service and maintenance for at least two years. • Annual refresher training for the users. • To improve the quality of the radar picture compared to the current radar. The port of Delfzijl is equipped with 4 radar posts. The port of Eemshaven is equipped with 3 radar posts.

Internal identifier: 1

#### 5.1.1 Purpose

Main nature of the contract: Supplies

Main classification (cpv): 35722000Radar

Options:

Description of the options: The contract duration for the maintenance agreement is 2 years. The agreement may be extended by mutual consent through an extension option for two periods of one (1) year.

### 5.1.2 Place of performance

Country: Netherlands

Anywhere in the given country

Additional information: Delfzijl en Eemshaven

### 5.1.3 Estimated duration

Duration: 36Month

### 5.1.4 Renewal

Maximum renewals: 2

The buyer reserves the

right for

additional

purchases

from the

contractor,

as described

here:

The agreement may be extended by mutual consent through an extension option for two periods of one (1) year. The total contract duration is 24 months. Upon extension, maximum 48 months..

### 5.1.6 General information

This cancelled or unsuccessful procedure or lot will be relaunched

Procurement Project not financed with EU Funds.

The

procurement

is covered

by the

Government yes

Procurement

Agreement

(GPA):

### 5.1.7 Strategic procurement

#### 5.1.10 Award criteria

Criterion:

Type: Quality

Name: Quality

Description: We refer to the selection guidance, chapter 5.

Weight

(points, 75

exact):

Criterion:

Type: Price

Name: Price

Description: We refer to the selection guidance, chapter 5.

Weight

(points, 25  
exact):

### **5.1.15 Techniques**

Framework agreement:

No framework agreement

Information about the dynamic purchasing system:

No dynamic purchase system

### **5.1.16 Further information, mediation and review**

Mediation  
organisation: Groningen Seaports n.v.

Review  
organisation: Groningen Seaports n.v.

Organisation  
providing  
additional  
information Groningen Seaports n.v.  
about the  
procurement  
procedure:

Organisation  
providing  
more  
information Groningen Seaports n.v.  
on the  
review  
procedures:

## **6. Results**

### **6.1 Result lot Identifier: LOT-0000**

No winner was chosen and the competition is closed.

The reason

why a Decision of the buyer, not following a tenderer's request to review the award, because of  
winner was technical or procedural errors  
not chosen:

### **6.1.4 Statistical information**

Received tenders or requests to participate:

Type of  
received Tenders  
submissions:

Number of  
tenders or  
requests to 2  
participate  
received:

## **8. Organisations**

### **8.1 ORG-0001**

Official  
name: Groningen Seaports n.v.

Registration

number: 16392151  
Postal address: Handelskade Oost 1  
Town: Delfzijl  
Postcode: 9934 AR  
Country subdivision (NUTS): Delfzijl en omgeving(NL112)  
Country: Netherlands  
Contact point : Ali Heres  
Email: projectsupport@ groningen-seaports.com  
Telephone: +31 596640400  
Internet address: <http://www.groningen-seaports.com>

Other contact points:

Official name: TenderNed  
Postal address: Bezuidenhoutseweg 10-12  
Town: Den Haag  
Postcode: 2594 AV  
Country subdivision (NUTS): Agglomeratie 's-Gravenhage(NL332)  
Country: Netherlands  
Email: servicedesk@tenderned.nl  
Telephone: +31 800836337633  
Internet address: <http://www.tenderned.nl>

Other contact points:

Official name: Rechtbank Noord-Nederland  
Postal address: Guyotplein 1  
Town: Groningen  
Postcode: 9712 NX  
Country subdivision (NUTS): Overig Groningen(NL113)  
Country: Netherlands  
Email: Info.rechtbanknoordnederland@rechtspraak.nl  
Telephone: +31 883614444  
Internet address: <http://www.rechtspraak.nl>

Other contact points:

Official name: Rechtbank Noord Nederland  
Postal address: Guyotplein 1  
Town: Groningen  
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Country subdivision (NUTS): Overig Groningen(NL113)  
Country: Netherlands  
Email: Info.rechtbanknoordnederland@rechtspraak.nl  
Telephone: +31 883614444  
Internet address: <http://www.rechtspraak.nl>

Roles of this organisation:

Buyer

Organisation providing additional information about the procurement procedure

Review organisation

Organisation providing more information on the review procedures

Mediation organisation

## **11. Notice information**

### **11.1 Notice information**

Notice identifier: 40e9a8c5-b3bf-4ab1-8da9-6a35cc67bfc1-01  
/version:

Form type: Result

Notice type: Contract or concession award notice – standard regime

Notice dispatch date: 15/07/2024 14:24 +02:00

:

Languages

in which  
this notice is English  
officially  
available:

## **11.2 Publication information**