Voluntary Ex-Ante Transparency Notice (VEAT)
Supply of Underwater PIV System Upgrade – TU Delft

1. **Contracting authority**

Delft University of Technology (TU Delft)
Stevinweg 1
2628 CN Delft
The Netherlands

2. **Subject of the contract**

The contract concerns the supply of an upgrade to the existing underwater Particle Image Velocimetry (PIV) system used in the Ship Hydromechanics Laboratory (towing tank facility) of the Faculty of Mechanical Engineering.
The scope includes, inter alia:

- high-resolution cameras (approx. 25 MPixel)
- lenses and optical components
- mounting systems
- software modules
- integration with existing hardware and software infrastructure

Total estimated value: €287,910 (excl. VAT).

3. **Intended contractor**

LaVision GmbH
Germany

4. **Legal basis for the use of the negotiated procedure without prior publication**

The contracting authority intends to award the contract using the negotiated procedure without prior publication, in accordance with Article 2.32(1)(b) of the Dutch Public Procurement Act 2012

This provision allows the award of a contract without prior publication where:
the contract may be supplied only by a particular economic operator,

- for technical reasons,
- and where competition is absent.

Furthermore, in accordance with Article 2.32(3) of the Act:

- no reasonable alternative or substitute must exist; and
- the absence of competition must not be the result of an artificial narrowing of the parameters of the procurement.

5. **Justification for the absence of competition**

The Department of Maritime and Transport Technology operates an existing underwater PIV system, originally procured from LaVision GmbH. This system forms an integral part of the current research infrastructure and is used in close cooperation with other departments within TU Delft.

The intended procurement concerns an upgrade and extension of this existing system, which must be fully compatible with:

- existing camera housings and mechanical structures
- existing control and synchronization units
- proprietary data acquisition and processing software
- shared infrastructure across departments

A market analysis has identified only a limited number of suppliers worldwide offering comparable PIV systems. These include Dantec Dynamics and ILA 5150 GmbH, while other suppliers are no longer active in this market.
However, alternative systems:

- are not technically compatible with the existing infrastructure;
- cannot be integrated into the current proprietary hardware and software environment;
- do not allow interoperability with existing equipment and datasets.

6. Absence of reasonable alternatives

The contracting authority has assessed whether:
alternative standalone systems; or

- replacement of (parts of) the existing system
- could be considered reasonable alternatives.

This is not the case because:

- alternative systems cannot be combined with the existing installation and therefore do not meet the functional research requirements;
- replacement of the existing system would result in disproportionate costs and loss of prior investments;
- interoperability between departments would be lost;
- ongoing and planned research activities would be significantly disrupted.

Therefore, no reasonable technical or economic alternative or substitute exists within the meaning of Article 2.32(3) of the Act.

7. No artificial restriction of competition

The dependency on the LaVision system is not the result of an artificial restriction of competition. It is the consequence of:

- a previously conducted lawful procurement procedure (2018); and
- the inherent characteristics of highly specialized scientific measurement systems, which operate within integrated and proprietary ecosystems.

The requirement for compatibility and interoperability is therefore objectively justified.

8. Conclusion

Based on the above, the contracting authority concludes that:

- the contract can only be performed by LaVision GmbH
- for technical reasons;
- in the absence of competition for objective reasons; and
- without any reasonable alternative or substitute.

Accordingly, the use of the negotiated procedure without prior publication under Article 2.32(1)(b) of the Dutch Public Procurement Act 2012 is justified.

9. Standstill period

The contracting authority will observe a standstill period of 20 calendar days starting from the date of publication of this notice.
Any economic operator wishing to challenge the intended contract award must initiate proceedings within this period.

10. Further information and contact

Delft University of Technology
Procurement Department
All communications must be submitted via the electronic tendering platform.