

Germany-Dortmund: IT services: consulting, software development, Internet and support

OJ S 5/2021 08/01/2021

Contract notice – utilities

Services

Legal Basis:

Directive 2014/25/EU

Section I: Contracting entity

I.1. Name and addresses

Official name: Amprion GmbH

National registration number: 15940

Postal address: Robert-Schuman-Straße 7

Town: Dortmund

NUTS code: DEA Nordrhein-Westfalen

Postal code: 44263

Country: Germany

E-mail: rene.engelke@amprion.net**Internet address(es):**Main address: <https://www.amprion.net/>**I.3. Communication**

The procurement documents are available for unrestricted and full direct access, free of charge, at: <https://hub.negometrix.com/today/2786>

Additional information can be obtained from the abovementioned address

Tenders or requests to participate must be submitted electronically via: <https://hub.negometrix.com/today/2786>

I.6. Main activity

Electricity

Section II: Object

II.1. Scope of the procurement**II.1.1. Title**

Testing Services for MARI (Manually Activated Reserves Initiative) Platform

II.1.2. Main CPV code

72000000 IT services: consulting, software development, Internet and support

II.1.3. Type of contract

Services

II.1.4. Short description

Manually Activated Reserves Initiative (MARI) is the European implementation project for the creation of a European platform for the exchange of balancing energy from frequency restoration reserves with manual activation (mFRR), as required by the electricity balancing guideline (Commission Regulation (EU) 2017/2195), which defines tasks and a timeline for the implementation of the European mFRR platform. The MARI platform shall be capable of

gathering offers for mFRR provision from participating TSOs' local balancing market, and provide an optimised selection of reserves to cover the TSOs demands.

II.1.5. Estimated total value

II.1.6. Information about lots

This contract is divided into lots: no

II.2. Description

II.2.3. Place of performance

NUTS code: DEA Nordrhein-Westfalen

II.2.4. Description of the procurement

The test service provider to be selected in this procurement procedure will be responsible for planning and executing user acceptance tests, and for planning and facilitating interoperability testing between the platform and external systems. Part of the preliminary phase will be to participate in Factory Acceptance Tests which will be executed and facilitated by IT software providers of the MARI solution.

The test service provider will assess and validate the automated test suite produced by the provider(s) of the MARI software solution.

II.2.5. Award criteria

Price is not the only award criterion and all criteria are stated only in the procurement documents

II.2.6. Estimated value

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

Duration in months: 24

This contract is subject to renewal: yes

Description of renewals:

1 x 12 months.

II.2.9. Information about the limits on the number of candidates to be invited

Maximum number: 8 Objective criteria for choosing the limited number of candidates:

References: the references (see III.1.3.a) of an applicant will be evaluated with points by an overall assessment. Maximum 10 points can be reached per applicant.

The evaluation will focus on the spectrum of experience in relation to the requested services of each applicant.

10 points show an outstanding experience spectrum, 9 points a very good, 8 points a good, 7 points a satisfactory and 6 points and less an insufficient spectrum of experience.

Therefore, a minimum score of more than 6 points is necessary in order to be requested to submit an offer.

The contracting authority reserves the right to choose only the best 5 to 8 applicants to submit an offer.

II.2.10. Information about variants

Variants will be accepted: no

II.2.11. Information about options

Options: yes

Description of options:

(According to the price sheet 'Anlage 3_Preisverzeichnis_MARI'/optional extension of the contract duration).

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 III: Legal, economic, financial and technical information

III.1. Conditions for participation

III.1.1. Suitability to pursue the professional activity, including requirements relating to enrolment on professional or trade registers

List and brief description of conditions:

- (a) Current extract from the professional or trade Register.
- (b) Self-declaration from which it is clear that the company and, if applicable, those on whose capacities the company relies, do not fulfil any grounds for exclusion under Sections 123 and 124 Act against Restraints of Competition (Gesetz gegen Wettbewerbsbeschränkungen — GWB).

The Annex 'A2_application questionnaire' has to be submitted.

III.1.2. Economic and financial standing

List and brief description of selection criteria:

- (a) With the request to participate, the total turnover in the last 3 completed financial and, if available, the turnover with comparable services in the last 3 completed financial years have to be submitted.
- (b) The applicant shall prove that it has a turnover, over the last 3 financial years, representing at least: EUR 250 000 for each year.
- (c) With the request to participate, annual reports or alternatively balance sheets (reason for deviation has to be given), or, if they cannot be submitted, a profit and loss sheet of the last two completed financial years has to be submitted. The contracting authority reserves the right to exclude applicants who do not have financial stability.
- (d) Submission of an insurance certificate attesting to the existence of a public liability insurance; as an alternative (reason for deviation has to be given by the applicant) a certificate from an insurance company stating that such insurance cover will exist for the applicant in the event of the award.

The Annex 'A2_application questionnaire' has to be used as proof for suitability.

III.1.3. Technical and professional ability

List and brief description of selection criteria:

- (a) References of comparable projects

References of comparable services from the last 8 financial years with information on the client, the country in which the service was provided, the scope of services, the type of project as well as the time spend on the project and the year of commissioning, using the reference list provided by the contracting authority.

- (b) Project language

Self-declaration stating that the applicant is able to provide the project documentation in English and to communicate in English through the project.

The Annex 'A2_application questionnaire' has to be used as proof for suitability.

The contracting authority may exclude the applicant where it has established that the latter has interests, which conflict with the performance of the public contract and could adversely affect it. This is especially the case if a company was involved in the development of the MARI software.

III.1.4. Objective rules and criteria for participation

List and brief description of rules and criteria:

(a) Structure of the request to participate:

The request to participate is to be divided in registers and structured as:

- 1) Signed letter of response and signed Annex 'A2_application questionnaire';
- 2) Documents relating to points III.1.1), III.1.2) and III.1.3) of this contract notice;
- 3) Where applicable, declarations on the reliance on the capacities of other entities, for example by a commitment;
- 4) If applicable, joint applicant declaration.

(b) Form of the request to participate:

The request to participate must be submitted either in English or in German via the negometrix platform.

All necessary documents must be uploaded on negometrix platform.

(c) General explanations of the contents of the request to participate: to be found under point VI.3).

III.1.6. Deposits and guarantees required

No

III.1.7. Main financing conditions and payment arrangements and/or reference to the relevant provisions governing them

According to 'Anlage 1_Vertragstext_MARI'.

III.1.8. Legal form to be taken by the group of economic operators to whom the contract is to be awarded

Jointly and severally liable.

Section IV: Procedure

IV.1. Description

IV.1.1. Type of procedure

Negotiated procedure with prior call for competition

IV.1.3. Information about a framework agreement or a dynamic purchasing system

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.2.2. Time limit for receipt of tenders or requests to participate

Date: 03/02/2021 Local time: 12:00

IV.2.3. Estimated date of dispatch of invitations to tender or to participate to selected candidates

Date: 12/02/2021

IV.2.4.

Languages in which tenders or requests to participate may be submitted

German, English

Section VI: Complementary information

VI.1. Information about recurrence

This is a recurrent procurement: no

VI.3. Additional information

(a) Questions and answers:

Potential applicants can send questions to the contracting authority up to maximum 4 calendar days before the application deadline. Should the questions or answers be of interest to all potential applicants, they will be made available in anonymous form at the URL address given (see point I.3).

A non-observance of these questions and answers may result in exclusion from the procedure.

(b) Procurement documents

For reasons of confidentiality, Annex 5 'Zip-Datei mit Technischen Anlagen' is transmitted only after submission of a NDA within the application procedure. The contracting authority reserves the right to refrain from transmitting the NDA and the confidential documents in the event of obviously abusive requests.

Continuation of point III.1.4) Objective rules and criteria for participation:

(c) General explanations on the content of the request to participate.

1) 'Current' means not older than 6 months backdated from the date of expiry of the participation period.

2) If an applicant cannot present a third-party certificate, e.g. a register entry, a comparable third party certificate has to be submitted. Furthermore, the applicant has to prove the comparability by an additional explanation.

3) In principle, applicants must submit the required declarations/evidence in German or English or in an officially certified translation. If a declaration/evidence cannot be submitted at all, the applicant has to state the reasons for this, submit a comparable declaration/evidence and explain — in German or English — why the comparability exists.

4) Consortium: together with the request to participate, the consortium must submit a legally binding declaration signed and completed by all members of the consortium. Particular attention must be paid to the aspect of compliance of the formation of the consortium with cartel law. Each member of the consortium must submit the proof of suitability in accordance with III.1.1).

The members of the consortium must jointly submit the proof of suitability in accordance with III.1.2) and III.1.3). This applies to a limited extent to the declarations and proofs under III.1.3) if the consortium provides for a division of tasks and if, for example, certain references can only be submitted by one member of the consortium; any limited submission of declarations and proofs must be explained by the consortium in an Annex to the consortium declaration.

The same rules apply to consortiums as to applicants.

5) Reliance on the capacities of other companies: applicants may where necessary rely on the capacities of other entities to fulfil the economic and financial selection criteria (see above III.1.2)). In this case, the latter shall provide a declaration of commitment in the application stating that the resources will be available for the project. However, with regard to the technical and professional selection criteria (see above III.1.3)) the applicant may rely on the capacities of other entities only where the latter will perform the services for which these capacities are required.

6) The contracting entity Amprion GmbH is neither a contracting authority within the meaning of section 99 of the German Act against Restraint of Competition (GWB) nor a utility entity with the meaning of section 100 GWB. Thus, it has generally neither to apply the GWB's provisions on public procurement (section 97 GWB et seq.) nor the Utilities Ordinance (Sektorenverordnung — SektVO); cf. Higher Regional Court Munich, decision of 28 August 2019 — Verg 15/19 and decision of 9 March 2020, Verg 27/19. In the public procurement procedure at hand, Amprion does not exclusively procure services for its own purposes but also for the purposes of the other MARI project partners. As the majority of MARI project partners are European TSO and, hence, contracting authorities or utility entities, Amprion has to apply the provisions of the GWB and the SektVO in this exceptional case.

VI.4. Procedures for review

VI.4.1. Review body

Official name: Geschäftsstelle der Vergabekammer

Postal address: Albrecht-Thaer-Straße 9

Town: Münster

Postal code: 48147

Country: Germany

E-mail: vergabekammer@bezreg-muenster.nrw.de

Internet address: https://www.bezreg-muenster.de/de/wirtschaft_finanzen_kommunalaufsicht/vergabekammer_westfalen/index.html

VI.4.3. Review procedure

Precise information on deadline(s) for review procedures:

Explicit reference is made to the deadline regulation in Section 160 (3) sentence 1 No 4 of the Act against Restraints of Competition (GWB). According to this provision, an application to initiate review proceedings is inadmissible, insofar as more than 15 calendar days have passed since receipt of the contracting authority's notification that it does not wish to remedy a complaint.

VI.4.4. Service from which information about the review procedure may be obtained

Official name: Geschäftsstelle der Vergabekammer

Postal address: Albrecht-Thaer-Straße 9

Town: Münster

Postal code: 48147

Country: Germany

E-mail: vergabekammer@bezreg-muenster.nrw.de

Internet address: https://www.bezreg-muenster.de/de/wirtschaft_finanzen_kommunalaufsicht/vergabekammer_westfalen/index.html

VI.5. Date of dispatch of this notice

04/01/2021