

Sweden-Stockholm: Underwater cable
OJ S 15/2014 22/01/2014
Contract notice – utilities
Works

Directive 2004/17/EC

Section I: Contracting entity

I.1. Name and addresses

Official name: Vattenfall Vindkraft A/S
National registration number: Sweden
Postal address: Evenemangsgatan 13
Town: Stockholm
Postal code: SE-169 92
Country: Sweden
Contact person: Procurement
For the attention of: Magnus Öhrman
E-mail: magnus.ohrman@hotmail.com
Telephone: +46 705808815

Internet address(es):

General address of the contracting entity: <http://www.vattenfall.com>

Additional information can be obtained from:

the abovementioned address

Specifications and additional documents (including documents for a dynamic purchasing system) can be obtained from: the abovementioned address

Tenders or requests to participate must be submitted: the abovementioned address

I.2. Main activity

Electricity

I.3. Contract award on behalf of other contracting entities

The contracting entity is purchasing on behalf of other contracting entities: no

Section II: Object of the contract

II.1. Description

II.1.1. Title attributed to the contract by the contracting entity

Inter Array Cable Package.

II.1.2. Type of contract and place of performance or delivery

Works

Realisation, by whatever means of work, corresponding to the requirements specified by the contracting entities

Main site or place of performance: Denmark.

NUTS code

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

The notice involves a public contract

II.1.4. Information about framework agreement

II.1.5. Short description of the contract or purchase(s)

Vattenfall intends to participate in the call for bids for the concession of offshore wind farm Horns Rev 3 concession, led by the DEA [Danish Energy Agency]. This wind farm will have a capacity of between 390 MW to 410 MW and will consist of foundations, wind turbine generators and inter array cables.

The total scope of works of this tender includes the design, engineering, manufacturing, fabrication, supply, installation, commissioning of 33kV inter array cables of the offshore wind project Horns Rev 3.

II.1.6. CPV code(s)

31321400 Underwater cable, 31321500 Submarine cable, 31321300 High-voltage cable, 45244100 Marine installations, 45251160 Wind-power installation works

II.1.7. Information about the Government Procurement Agreement (GPA)

The procurement is covered by the Government Procurement Agreement: no

II.1.8. Information about lots

This contract is divided into lots: no

II.1.9. Information about variants

Variants will be accepted: no

II.2. Scope of the procurement

II.2.1. Total quantity or scope

33kV inter array cables to collect between 390 MW to 410 MW installed capacity

II.2.2. Information about options

Options: no

II.2.3. Information about renewals

This contract is subject to renewal: no

II.3. Duration of the contract or time limit for completion

Start 1.4.2015 Completion 31.12.2019

Section III: Legal, economic, financial and technical information

III.1. Conditions related to the contract

III.1.1. Deposits and guarantees required

Refer to specifications of the Invitation To Tender including contract.

III.1.2. Main financing conditions and payment arrangements and/or reference to the relevant provisions governing them

Refer to specifications of the Invitation To Tender including contract.

III.1.3. Legal form to be taken by the group of economic operators to whom the contract is to be awarded

If the contract is awarded to an applicant that consist of more than one economic operator (e. g. a consortium or a joint venture (whether incorporated or unincorporated)), all the economic operators are required to undertake joint and several liability and to authorise one party to represent the group.

III.1.4. Contract performance conditions

The performance of the contract is subject to particular conditions: yes

Description of particular conditions: Refer to specifications of the Invitation To Tender including contract.

III.2. Conditions for participation

III.2.1. Suitability to pursue the professional activity, including requirements relating to enrolment on professional or trade registers

List and brief description of conditions: Each Respondent is being asked to comply with the minimum requirements [Company requirements, technical requirements and economical and financial requirements]. Respondents who not comply with these minimum requirements may be excluded from this tender process. Some of the criteria entail the handover of suitable proof. For each requirement it is stated what information shall be handed over as part of the Respondents Application and what information shall be handed over at conditional contract award. It is noted that contract award shall, amongst others, be provisional to the handover of all such proof and documentation.

If the Respondent is a branch, subsidiary or operating company of a holding company or a group of companies and such holding company or group of companies expresses the intent to guarantee the performance of the Respondent under the Contract (see III.2.1) g. below) then this guaranteeing entity is to complete the 'Company Requirements' and 'Economic and Financial Requirements' as listed below in the III.2.1 and III.2.2. The information provided by such guaranteeing entity for prequalification purposes will be used in the evaluation of Vattenfall's minimum requirements.

If a Respondent is a consortium or a Joint Venture, the 'Company Requirements' and 'Economic and Financial Requirements' are applicable to each member individually.

Minimum requirements: Company Requirements

a. Respondent is not subject to any of the exclusion criteria set in article 45 of EU Directive 2004/18.

Information part of the Respondents Application: Own declaration stating compliance with this requirement (signed by a director or an employee with power of attorney).

Information required at conditional contract award: A declaration from an independent (governmental) authority or entity mandated to issue such declarations or another equal proof of the requirement.

b. Respondent is not bankrupt, has not been liquidated, has not been granted a moratorium or has not compounded with creditors; or that Respondent's activities have not been stopped or are not in any other similar conditions.

Information part of the Respondents Application: Own declaration stating compliance with this requirement (signed by a director or an employee with power of attorney).

Information required at conditional contract award: A declaration, no more than three months old, by the clerk of the district court of the domicile or the location of the registered office of Respondent or another equal proof of the requirement.

c. No proceedings have been requested or are in progress against the Respondent that can result in bankruptcy, liquidation or a moratorium or compounding with creditors.

Information part of the Respondents Application: Own declaration stating compliance with this requirement (signed by a director or an employee with power of attorney).

Information required at conditional contract award: A declaration, no more than three months old, by the clerk of the district court of the domicile or the location of the registered office of Respondent or another equal proof of the requirement.

d. Respondent has complied with all his obligations with regard to the payment of all employer

related taxes and social insurance contributions e.g. unemployment insurance, pension contributions in accordance with the statutory provisions.

Information part of the Respondents Application: Own declaration stating compliance with this requirement (signed by a director or an employee with power of attorney).

Information required at conditional contract award: A declaration, no more than three months old, from the executive agency of the national social insurance organization or another equal proof of the requirement.

e. Respondent has complied with all his obligations with regard to paying his taxes.

Information part of the Respondents Application: Own declaration stating compliance with this requirement (signed by a director or an employee with power of attorney).

Information required at conditional contract award: A declaration, no more than three months old, from the tax authorities or another equal proof of the requirement.

f. Respondent is registered in the register of companies.

Information part of the Respondents Application: A current version of a Certified Copy Certificate(s) of registration / incorporation.

Information required at conditional contract award: No additional information required.

g. If the Respondent is a branch, subsidiary or operating company of a holding company or a group of companies and wishes to use the consolidated financial information of the holding company or group of companies for the purposes of this Application, this holding company or parent company shall provide a declaration expressing its willingness to fully guarantee any liability of its subsidiary during the duration of the contract.

Information part of the Respondents Application: Duly signed statement(s) of the parent(s) stating that it will thus guarantee the performance of the Respondent under a Contract resulting from this tendering procedure.

Information required at conditional contract award: A full Parent Company Guarantee according to the format part of the ITT.

h. In case of III.2.1. g., the parent company shall provide evidence that it is registered in the register of companies.

Information part of the Respondents Application: A current version of a Certified Copy Certificate(s) of registration / incorporation.

Information required at conditional contract award: No additional information required.

Applicants who are not seated in Denmark shall submit their registry copies, confirmations, certifications and qualifications in accordance with the legal requirements of the seating country.

III.2.2. Economic and financial ability

List and brief description of conditions: Minimum Requirements: Economic and Financial Requirements

Based on the information requested as detailed in the Minimum Requirements for Respondents, the Contracting Entity will perform a full credit and financial assessment in accordance with internal Vattenfall credit risk policies.

If the Respondent relies on a parent company or third party to meet the financial minimum requirement referred to under III.2.1 g., this parent company or third party will be assessed and all references to "Respondent" in this clause will be deemed to be references to this parent company or third party.

a. Respondent or its parents in case of III.2.1).g., shall have the reputable and healthy financial standing necessary to execute the announced Contract with the corresponding risk profile. The yearly turnover average over the last three years will be minimal three (3) times the estimated contract value.

Information part of the Respondents Application: Full audited, consolidated annual reports,

including management report and explanatory notes and with a non-qualified auditor opinion, for the most recent three years for the Respondent and in case of III.2.1).g., its parent. Additional financial information must be provided that relates specifically to the field of business related to the scope of the announced contract.

Information required at conditional contract award: No additional information required.

b. At contract award, Respondent is willing to issue performance bonds of approx. 15% of the price of the works, valid until take over of the works, in a form and amount acceptable to Vattenfall and by an independent, third party bank with a minimum A-/A3 (rating by Standard Poor's and/or Moody's). Price of works means the agreed net amount to be stated in the Contract for the full scope of works and excludes adjustments (if any) in accordance with the Contract. Respondent is also willing to issue performance bonds of approx. 5% between take over of the works and end of the defects notification period.

Information part of the Respondents Application: Duly signed declaration from the Respondent stating it's unconditional willingness to issue such guarantee at contract award and such guarantee at take over of the works or as stated in the Contract.

Information required at conditional contract award: Duly signed Performance Guarantee part of the Contract and according to the format included in the ITT.

c. At contract award, Respondent is willing to issue security for any advance payments with advance payment bonds in a form and amount acceptable to Vattenfall and by an independent, third party bank with a minimum rating of A-/A3 (rating by Standard Poor's and/or Moody's).

Information part of the Respondents Application: Duly signed declaration from the Respondent stating it's unconditional willingness to issue such guarantee at contract award or as stated in the Contract.

Information required at conditional contract award: Duly signed Advance Payment Guarantee part of the Contract and according to the format included in the invitation to tender.

d. Respondent shall provide an overview of the corporate legal structure of Respondents or its parent in the case of III.2.1.g.

Information part of the Respondents Application: Overview of corporate legal ownership structure of Respondent or in case of III.2.1.g. its parent.

Information required at conditional contract award: No additional information required.

III.2.3. Technical and professional ability

List and brief description of conditions: a. Respondent shall be an established and experienced contractor for projects of comparable work scope, size and complexity as described in Section II. As a minimum the Respondent shall have supplied and/or installed 33kV offshore array cables for at least '2' offshore wind farms in European waters of similar size and/or complexity. Where such experience is not currently directly available, Contractor shall clearly indicate the qualifications that they believe make them competent for the element of the works for which they are seeking pre-qualification. Employer has the sole discretion as to whether such alternative qualification will be accepted.

Information part of the Respondents Application:

A list of relevant reference projects in which the Respondent was or is responsible for the aforementioned work scope, including short descriptions of the projects and a clear and comprehensive description of the organization of, and responsibility for each activity. In case Respondent is a Joint Venture, please clearly describe which responsibility is assigned to each participant.

Information required at conditional contract award: Information that confirms the established organization/representation that fulfils this requirement.

b. Respondent shall be the EPCI supplier for the 33kV array cables required to connect

between 390MW to 410MW installed wind turbine generator capacity to an offshore substation.

Minimum requirements:

Vattenfall Health and Safety PQQ.

Safety (& Health) is one of Vattenfall's core values and an important business driver. Selection of Contractor and awarding of contracts will therefore not only be on the basis of pricing and technical ability, but also on Contractor's Health & Safety management and capabilities.

c. Respondent shall request the Contracting Entity for the 'Vattenfall Health & Safety Prequalification Questionnaire' which shall be sent to the Respondent as additional information. This document shall be part of the Respondents Application. Duly filed in 'Vattenfall Health & Safety Prequalification Questionnaire', supported by the documents as requested. The xls-files shall be stored on a USB-device, attached to the Respondents Application.

III.2.4. Information about reserved contracts

III.3. Conditions specific to services contracts

III.3.1. Information about a particular profession

III.3.2. Information about staff responsible for the performance of the contract

Section IV: Procedure

IV.1. Type of procedure

IV.1.1. Type of procedure

Negotiated

Some candidates have already been selected (if appropriate under certain types of negotiated procedures): no

IV.2. Award criteria

IV.2.1. Award criteria

The most economically advantageous tender in terms of the criteria stated in the specifications or in the invitation to tender or to negotiate

IV.2.2. Information about electronic auction

IV.3. Administrative information

IV.3.1. File reference number attributed by the contracting entity

IV.3.2. Previous publication concerning this procedure

no

IV.3.3. Conditions for obtaining specifications and additional documents

(except for a DPS)

Time limit for receipt of requests for documents or for accessing documents: ..

IV.3.4. Time limit for receipt of tenders or requests to participate

20.2.2014

IV.3.5. Languages in which tenders or requests to participate may be submitted

English.

IV.3.6. Minimum time frame during which the tenderer must maintain the tender

IV.3.7. Conditions for opening of tenders

Section VI: Complementary information

VI.1. Information about recurrence

This is a recurrent procurement: no

VI.2. Information about European Union funds

The procurement is related to a project and/or programme financed by European Union funds:
no

VI.3. Additional information

A) Substantiating information to be supplied as part of your application.

The Respondents Application shall contain all information as listed below. Information is to be provided in the format and order as described with clearly marked tab sheets. The structure of the electronic version of the application shall follow the numbers of sections and paragraphs of this request and shall include all listed information including scans of original signed documents and declarations.

1. Respondents Name, including legal form and full address of incorporation. In case Respondent is a Joint Venture or consortium, please include this information for each participant.
2. Detailed contact information of the person responsible for the communication on behalf of the Respondent.
3. Respondents organizational structure, including shareholder and grouping structure and parent/holding company structure if applicable (please include comprehensive organization charts including legal entity names and relations). In case Respondent is a Joint Venture or consortium, please include this information for each participant.
4. General company information, including history and current business outline. In case of a Joint Venture, please include this information for each participant, but in particular for the Joint Venture itself.
5. All requested information listed in III.2) Conditions for participation shall be supplied as part of your Application. Please make clear references to each minimum requirement the information is related to.

B) Additional joint venture requirements and information

If the Respondent is a Joint Venture of two or more legal entities (herein referred to as 'Joint Venture' or 'JV') whether incorporated or unincorporated - the following additional requirements apply:

1. The obligations, risks and liabilities imposed on the Respondent by the tender process and / or by any agreement as a result of this tendering process, if awarded, shall be guaranteed by the partners in that Joint Venture jointly and severally. The Respondents Application and any resulting tender and/or agreement shall be signed for each of those parties by the person or persons authorized to make legally valid commitments;
2. At Conditional Contract Award, the Respondent shall submit proof that the agreement amongst the Joint Venture partners provides that:
 - a. if a Joint Venture partner goes into liquidation or has a receiving order issued against it, such partner will consent to, and the other partner(s) shall procure that all construction equipment, including without limitation tools, computer programs, and software furnished by the partner in question, and all subcontracts entered into by it, shall continue to be available, or, as the case may be, shall be assigned to the other partner(s), and

- b. Statement to evidence that the Joint Venture is registered in the register of companies.
3. The following information shall be included in the Respondents Application:
- a. the full legal name of the partner nominated to act as manager of the Joint Venture and who, in such capacity, is authorized or shall be authorized to incur liabilities and enter into contractual relationships with third parties, including settlement of any disputes hereunder, to receive and act upon instruction from Vattenfall, to make and receive payments, all on behalf of the Joint Venture.
- b. Statement of consent of the parent of each Joint Venture partners that the respective subsidiary has entered into the Joint Venture for the purpose of this Contract.
4. The Joint Venture shall remain unchanged throughout the whole procedure for the settlement of Contract. If unforeseen circumstances require a change in the composition of such consortium, the awarding entity may allow such change at its sole discretion provided that the change does not distort competition amongst the Tenderers.
- C) The Respondent shall prequalify the main subcontractor for manufacturing and installation, with the following additional requirements:
1. All subcontractors individually need to meet the Company Requirements in section III. The required documentation of these subcontractors as stated within these requirements shall be included in Respondents Application.
2. The Respondent shall clearly state for which of the requirements of section III he wishes to use the subcontractor(s). The required documentation of these subcontractors as stated within these requirements shall be included in Respondents Application.
3. The proposed subcontractor(s) may not be changed after the prequalification. However, a change may be allowed with prior consent of the Contracting Entity.
4. The respondent is allowed to prequalify with one or more subcontractors for the same scope of work. In such case all required documentation within section III for every single subcontractor shall be included in Respondents Application,
5. Prior to contract award the Respondent shall proof evidence of a signed agreement between Respondent and subcontractor(s) to guarantee the availability of the subcontractor(s) for the project.
- D) Other Additional Requirements And Information
1. In case Respondents belong to the same group company and/or consortium of service providers and are affiliated to each other by way of consolidated annual accounts or in any other financial-administrative sense, only one of the parties shall be allowed to respond to this Announcement.
2. The Respondents Application and all annexed documents shall be written in English.
3. Under no circumstance shall Vattenfall be liable for any costs or expenses, incurred by the responding party in connection with the Respondents Application or any resulting tendering procedure.
4. Vattenfall reserves the right to suspend or terminate this tendering process either entirely or parts thereof, either temporarily or definitively. In addition, Vattenfall has no obligation to enter into any agreement.
5. Confidentiality to be observed by the Respondent.
- By participating in the tender, the Respondent undertakes to keep all information that he receives from the Contracting Entity – insofar as such is not available in the public domain – and all information they either submit to the Contracting Entity or otherwise produce in the context of the tender, as confidential and not to disclose such information to third parties. Respondent may provide his employees or contractors who are involved in the tender with such information provided the confidentiality clause is imposed upon them. This obligation does not apply if the contrary expressly appears from this Prequalification Questionnaire or Invitation to Tender or other official communication from the Contracting Entity. The

Respondent will continue to be bound by the Confidentiality Agreement entered into between the Respondent and the Contracting Entity. The Respondent shall request the Contracting Entity for the Confidentiality Agreement and this Agreement shall be signed and send to the Contracting Entity together with the Respondents Application. Upon request the Confidentiality Agreement shall be send to the Respondent as additional information.

6. Confidentiality to be observed by the Contracting Entity:

The Contracting Entity shall not reveal the confidential information supplied by a Respondent at his own initiative to other Respondents without the express consent of the respondent in question. By participating in the tender, possible intellectual property rights to which the Respondent is entitled do not pass to the Contracting Entity, unless otherwise agreed.

7. Respondents that do not comply with the requirements as set out in this Prequalification Questionnaire shall be excluded from further participation in this Tender.

8. The Contracting Entity is authorized to verify the references given, including by requesting Respondents that declarations made by employers of the quoted reference projects will be sent directly to the Contracting Entity, or by asking for audited statements. The Contracting Entity may also require the Respondents to supplement or clarify the certificates and documents submitted.

VI.4. Procedures for review

VI.4.1. Review body

Official name: The Danish Complaints Board for Public Procurement

Postal address: Dahlerups Pakhus, Langelinie Allé 17

Town: Copenhagen

Postal code: 2100

Country: Denmark

E-mail: klfu@erst.dk

Telephone: +45 35291000

Internet address: www.klfu.dk

VI.4.2. Review procedure

Precise information on deadline(s) for review procedures: Precise information on deadline(s) for lodging appeals: Complaints about the prequalification are to be submitted to Klagenævnet for Udbud (The Danish Complaints Board for Public Procurement) within 20 calendar days of the day following the day on which the contracting authority has sent notification to interested applicants as to which applicants have been prequalified, if the notification contained a brief explanation of the relevant reasons for the decision.

VI.4.3. Service from which information about the review procedure may be obtained

Official name: Competition and Consumer Authority

Postal address: Carl Jakobsens vej 35

Town: Valby

Postal code: 2500

Country: Denmark

E-mail: kfst@kfst.dk

Telephone: +45 41715000

Internet address: www.kfst.dk

VI.5. Date of dispatch of this notice

21.1.2014