

**Denmark-Copenhagen: Software programming and consultancy services**

OJ S 41/2017 28/02/2017

Contract notice

Services

**Legal Basis:**

Directive 2014/24/EU

**Section I: Contracting authority**

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**I.1. Name and addresses**

Official name: Danish Energy Agency

National registration number: 59778714

Postal address: Amaliegade 44

Town: Copenhagen K

NUTS code: DK011 Byen København

Postal code: 1256

Country: Denmark

Contact person: Peter Johnson and Henriette Stang Meulengracht

E-mail: [tele@ens.dk](mailto:tele@ens.dk)

Telephone: +45 33926700

**Internet address(es):**Main address: <http://ens.dk>**I.3. Communication**The procurement documents are available for unrestricted and full direct access, free of charge, at: <https://ens.dk/service/aktuelle-udbud>

Additional information can be obtained from the abovementioned address

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

**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**

General public services

**Section II: Object**

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

Consultancy services and auction software in connection with the 700 MHz, 900 MHz and 2300 MHz auction(s).

**II.1.2. Main CPV code**

72200000 Software programming and consultancy services

**II.1.3. Type of contract**

Services

**II.1.4. Short description**

The consultancy task for which tenderers are invited concerns consultancy to be provided to the Danish Energy Agency in connection with the preparation and holding of the upcoming 700 MHz, 900 MHz and 2300 MHz auction(s) in 2018. The consultancy task also includes adaptation of auction software for the purpose of achieving an optimal process in relation to preparing, adapting and conducting the 700 MHz, 900 MHz and 2300 MHz auction(s). This shall be made in accordance with the objectives set in the current frequency legislation. The selected consultant shall cooperate with the Danish Energy Agency in preparing, adapting and carrying out the 700 MHz, 900 MHz and 2300 MHz auction(s) and when performing the task, it may be relevant for the selected consultant to involve relevant stakeholders. It is noted that the consultancy assignment will not include legal aspects bearing on the auction.

Please find more information in item II.2.4) and the procurement documents.

#### **II.1.5. Estimated total value**

Value excluding VAT: 7 000 000,00 DKK

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

This contract is divided into lots: no

### **II.2. Description**

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

72266000 Software consultancy services, 72268000 Software supply services, 79311400 Economic research services

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

NUTS code: DK011 Byen København

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

See description in item II.1.4).

The following main activities of the 700 MHz, 900 MHz and 2300 MHz auction(s) should be included in the description of the consulting services:

1. Preparing a detailed time schedule and project management.
2. Assessing market opportunities and demand for the use of the 700 MHz, 900 MHz and 2300 MHz bands, including a version ready for publication.
3. Analysis regarding coverage obligations, including a version ready for publication.
4. Participation in meetings with the industry.
5. Drafting an Information Memorandum (IM) and other auction documents.
6. Assistance in connection with public consultations.
7. Preparing information material and reporting in relation to the project team.
8. Consultancy on choosing an auction format and specification of rules regarding bidding in the auction(s) etc.
9. Adaptation of the auction software for the auction(s) and implementation thereof, including installation of the necessary software at the Danish Energy Agency and training of the bidders and the project team.
10. Preparing and implementing the auction(s), including how to use the auction software and how to deal with bids submitted.
11. Preparing an evaluation report.
12. Ad hoc consulting services.

The selected consultant shall cooperate with the Danish Energy Agency in preparing, adapting and carrying out the 700 MHz, 900 MHz and 2300 MHz auction(s) and when performing the task, it may be relevant for the selected consultant to involve relevant stakeholders.

The consultancy assignment will not include legal aspects bearing on the auction, as it is expected that this part of the project will be handled by the Danish Energy Agency and the Danish State's legal advisor.

It is noted that the consulting services and electronic web-based auction software (No 1-11) are the main activities in this tender.

Please find more information in the procurement documents.

#### **II.2.5. Award criteria**

Criteria below

Quality criterion - Name: Quality / Weighting: 50 %

Quality criterion - Name: Organisation and competence in the project team / Weighting: 20 %

Quality criterion - Name: Time schedule / Weighting: 10 %

Price - Weighting: 20 %

#### **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: no

#### **II.2.10. Information about variants**

Variants will be accepted: no

#### **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**

Estimated total value excluding VAT: Range between 2 000 000 and 7 000 000 DKK. Please note that the value stated in section II.1.5) of this contract notice is an estimated maximum value excluding VAT.

### **Section III: Legal, economic, financial and technical information**

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#### **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:

The tenderer must enclose in its tender an ESPD as preliminary documentation:

- 1) that the applicant or tenderer is not subject to any of the grounds for exclusion, see section VI.3 of this contract notice, and
- 2) that the tenderer complies with the minimum suitability requirements in respect of economic and financial standing, see section III.1.2 of this contract notice and, in respect of technical and professional ability, see section III.1.3 of this contract notice.

For groups of operators (e.g. a consortium), a separate ESPD must be submitted for each participating operator. If the tenderer relies on the capacity of other entities, an ESPD must be submitted for each of the entities on which the tenderer relies. See the contracting authority's guide to the ESPD.

### **III.1.2. Economic and financial standing**

List and brief description of selection criteria:

A declaration regarding the service provider's total revenue and the revenue regarding the activities, which this contract relates to:

Consulting services and auction software in regards to spectrum auctions (usage of web-based auction software, counselling regarding auction design, modification of auction software and counselling for preparation and carrying out auctions) in the past 3 available financial years, depending on when the service provider was established or started its business, if it is not against regulations within the service provider's concern policy to inform about this.

Information about the service provider's professional indemnity insurance.

For groups of service providers (e.g. a consortium), the information must be given for each individual service provider. However, a group of service providers will be evaluated as a whole regarding the minimum requirement in this section.

### **III.1.3. Technical and professional ability**

List and brief description of selection criteria:

The tenderer must submit a list of the most important similar deliveries carried out over the past 3 years.

Similar deliveries are: Consulting services and auction software in regards to spectrum auctions (usage of web-based auction software, counselling regarding auction design, modification of auction software and counselling for preparation and carrying out auctions).

For each deliveries the tenderer should make a statement of when and for who the delivered services were carried out (in the form of a reference list).

For groups of service providers (e.g. a consortium), the information must be given for each individual service provider. However, a group of service providers will be evaluated as a whole regarding the minimum requirement in this section.

Minimum level(s) of standards possibly required:

The tenderer shall be able to state at least 1 reference for consulting services and auction software in regards to spectrum auctions (utilization of web-based auction software, counselling regarding auction design, modification of auction software and counselling for preparation and carrying out auctions) for the past 3 years.

## **Section IV: Procedure**

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### **IV.1. Description**

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

Open procedure

#### **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: 07/04/2017 Local time: 12:00

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

#### **IV.2.4.**

## Languages in which tenders or requests to participate may be submitted

Danish, English

### IV.2.6. Minimum time frame during which the tenderer must maintain the tender

Duration in months: 5 (from the date stated for receipt of tender)

### IV.2.7. Conditions for opening of tenders

Date: 07/04/2017 Local time: 13:00

Place:

The Danish Energy Agency.

## Section VI: Complementary information

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### VI.1. Information about recurrence

This is a recurrent procurement: no

### VI.2. Information about electronic workflows

Electronic invoicing will be accepted

### VI.3. Additional information

The tenderer shall enclose in its tender an ESPD as preliminary documentation of complying with the requirements in the Danish Public Procurement Act (udbudsloven) section 148(1) No 1-3. For groups of operators (e.g. a consortium), a separate ESPD must be submitted for each participating legal entity. If the tenderer relies on the capacity of other entities, an ESPD must be submitted for each of the entities on which the tenderer relies. See the contracting authority's guide to the ESPD.

The tenderer will be excluded from participating in the tender procedure, if the tenderer is subject to any of the mandatory grounds for exclusion mentioned in the Danish Public Procurement Act, section 135 and 136, and grounds for exclusion stated in the Danish Public Procurement Act, section 137(1) No 2, unless the tenderer has provided adequate proof of the ESPD is reliable in accordance with the Danish Public Procurement Act, section 138.

Before award of the contract, the tenderer to whom the contracting authority intends to award the contract must provide documentation of the information stated in the ESPD, pursuant to sections 151-151, cf. section 153, of the Danish Public Procurement Act.

The tender is requested to be submitted in two hardcopy versions and one electronic version on a USB stick. The tender may not be submitted by e-mail. Any discrepancy between the hardcopy version and the electronic version, the hardcopy version has precedence. The tender should be submitted in a sealed envelope marked 'Consultancy services and auction software in connection with the 700 MHz, 900 MHz and 2300 MHz auction(s) — tender. May not be opened by the internal mail department.'

### VI.4. Procedures for review

#### VI.4.1. Review body

Official name: Klagenævnet for udbud (the Public Procurement Appeals Board)

Postal address: Nævnenes Hus, Toldboden 2

Town: Viborg

Postal code: 8800

Country: Denmark

E-mail: [klfu@naevneneshus.dk](mailto:klfu@naevneneshus.dk)

Telephone: +45 35291095

Internet address: <http://erhvervsstyrelsen.dk/klagenaevnet-for-udbud>

#### **VI.4.3. Review procedure**

Precise information on deadline(s) for review procedures:

Pursuant to Act No 1564 of 15.12.2015 regarding enforcement of the rules for procurement etc. (available at [www.retsinformation](http://www.retsinformation)) the following deadlines for lodging of appeals apply for contracts that are subject to the provisions of the public sector directive:

Appeals concerning public procurement must be submitted to the Public Procurement Appeals Board (Klagenævnet for udbud) within 45 days from the date the contracting body has published a notice in Tenders Electronic Daily that the contracting body has signed a contract. The deadline is calculated from the day after the notice has been made public. The applicant must notify the contracting authority in writing about the alleged infringement and the (intended) appeal to the Public Procurement Appeals Board (Klagenævnet for udbud) no later than the date on which the appeal is lodged to the Board.

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

Official name: Konkurrence- og Forbrugerstyrelsen (the Danish Competition and Consumer Authority)

Postal address: Carl Jacobsens Vej 35

Town: Valby

Postal code: 2500

Country: Denmark

E-mail: [kfst@kfst.dk](mailto:kfst@kfst.dk)

Telephone: +45 41715000

Internet address: <http://www.kfst.dk>

#### **VI.5. Date of dispatch of this notice**

27/02/2017