

Denmark-Esbjerg: IT services: consulting, software development, Internet and support
OJ S 36/2020 20/02/2020
Contract award notice – utilities
Supplies

Legal Basis:

Directive 2014/25/EU

Section I: Contracting entity

I.1. Name and addresses

Official name: SE Service A/S

National registration number: 20705833

Postal address: Edison Park 1

Town: Esbjerg N

NUTS code: DK032 Sydjylland

Postal code: 6715

Country: Denmark

Contact person: Jesper Fruerlund

E-mail: jesf@se.dk

Telephone: +45 75188838

Internet address(es):

Main address: <https://www.ethics.dk/ethics/eo#/7dd6a712-c1a5-4b73-8650-4544d9fabbe3/homepage>

I.6. Main activity

Electricity

Section II: Object

II.1. Scope of the procurement

II.1.1. Title

Tender for a Contract for the Delivery of an SDN Solution for Location for IT Connectivity (vol. II)

II.1.2. Main CPV code

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

II.1.3. Type of contract

Supplies

II.1.4. Short description

On 17.7.2019, Syd Energi concluded a contract with Conscia A/S on the delivery of an SDN solution. The offered solution was based on a software release from Cisco required in order for the offered solution to fulfil the requirements as to functionality laid down in the contract documents. Following the conclusion of the contract, Cisco, however, announced that the said release had been postponed indefinitely. Against this background, Conscia has, in the interim period, worked on a solution in order to perform the contract. Performance of the functionality laid down in the contract has now been rendered possible by way of Cisco's release of new

software at the beginning of December 2019 as well as by addition of 7 switches to the solution design. Consequently, the new solution implies no changes to the functionality as compared to the offered solution, but the delivery thereof has simply been delayed.

II.1.6. Information about lots

This contract is divided into lots: no

II.2. Description

II.2.2. Additional CPV code(s)

32420000 Network equipment, 32430000 Wide area network, 72200000 Software programming and consultancy services, 72400000 Internet services, 72500000 Computer-related services, 72600000 Computer support and consultancy services

II.2.3. Place of performance

NUTS code: DK032 Sydjylland

II.2.4. Description of the procurement

Reference is made to the description above in paragraph II.1.4.

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

Section IV: Procedure

IV.1. Description

IV.1.1. Type of procedure

Award of a contract without prior publication of a call for competition in the Official Journal of the European Union in the cases listed below

- The procurement falls outside the scope of application of the directive

Explanation:

The changed solution design delivered by Conscia as a consequence of the postponed release of the required software from Cisco does not imply that any changes must be made to the contract or the requirements as to the subject-matter of the contract. The functionality required in the contract documents and offered by Conscia is consequently still delivered in full. It is therefore assessed that the insignificant change to the solution design does not constitute any material contract change. In addition, Conscia's delay in delivering a product conforming to the contract as from 31.8.2019 to December 2019 is not assessed to constitute a contract change that must be made subject to a tender procedure. It is consequently assessed that the conditions for making a contract change pursuant to Article 89(1)(c) of the Utilities Directive have been fulfilled. The delay which is owing to Cisco's sudden and indefinite postponement of a software release is consequently due to circumstances which SydEnergi (or Conscia) undoubtedly could not have foreseen. Since the product delivered

Also, cf. above, fulfils the requirements of the contract documents and the contract, we are also not talking about a change to the general nature of the contract.

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: yes

IV.2. Administrative information

IV.2.1. Previous publication concerning this procedure

Notice number in the OJ S: [2019/S 228-560789](#)

IV.2.8. Information about termination of dynamic purchasing system

IV.2.9. Information about termination of call for competition in the form of a periodic indicative notice

Section V: Award of contract

Contract No: 1

A contract/lot is awarded: yes

V.2. Award of contract

V.2.1. Date of conclusion of the contract

20/11/2019

V.2.3. Name and address of the contractor

Official name: Conscia A/S

Postal address: Kirkebjerg Parkvej 9, 2. sal

Town: Brøndby

NUTS code: DK02 Sjælland

Postal code: 2650

Country: Denmark

The contractor is an SME: no

V.2.4. Information on value of the contract/lot

V.2.5. Information about subcontracting

V.2.6. Price paid for bargain purchases

Section VI: Complementary information

VI.3. Additional information

VI.4. Procedures for review

VI.4.1. Review body

Official name: Klagenævnet for Udbud

Postal address: Toldboden 2

Town: Viborg

Postal code: 8800

Country: Denmark

E-mail: klfu@naevneneshus.dk

Telephone: +45 72405600

Internet address: <https://naevneneshus.dk/start-din-klage/klagenaevnet-for-udbud/>

VI.4.3. Review procedure

Precise information on deadline(s) for review procedures:

In events where, prior to the conclusion of a contract, the contracting authority has published an announcement in the Official Journal of the European Union from which appears that the contracting authority intends to conclude a contract with a specific undertaking, and such announcement includes the reasons for the contracting authority's decision to award the contract without any prior publication of an announcement in the Official Journal of the European Union, and when the contract has not been concluded before expiry of 10 calendar days calculated from the day after the announcement was published, any complaint against the contracting authority's decision as to its intention to conclude a contract with a specific undertaking must be filed with the Complaints Board for Public Procurement within 30 calendar days calculated from the day after the contracting authority published an announcement stating that the contracting authority has concluded a contract. A complaints fee of 20 000 DKK must be paid at the same time.

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

Official name: Konkurrence- og Forbrugerstyrelsen

Postal address: Carl Jacobsens 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

18/02/2020