

Denmark-Fredericia: Repair and maintenance services of compressors
OJ S 36/2023 20/02/2023
Contract award notice – utilities
Services

Legal Basis:

Directive 2014/25/EU

Section I: Contracting entity

I.1. Name and addresses

Official name: Energinet Teknik og Anlæg A/S

National registration number: 37 93 03 93

Postal address: Tonne Kjærsvej 65

Town: Fredericia

NUTS code: DK032 Sydjylland

Postal code: 7000

Country: Denmark

Contact person: Indkøbsafdelingen

E-mail: indkob@energinet.dk

Telephone: +45 70102244

Internet address(es):

Main address: <https://eu.eu-supply.com/ctm/supplier/publictenders?B=ENERGINET>

Address of the buyer profile: <https://eu.eu-supply.com/login.asp?B=ENERGINET>

I.6. Main activity

Production, transport and distribution of gas and heat

Section II: Object

II.1. Scope of the procurement

II.1.1. Title

Maintenance and emergency services of the fire protection & extinguishing system at the compressor station in Egtved

Reference number: 21/05998

II.1.2. Main CPV code

50531300 Repair and maintenance services of compressors

II.1.3. Type of contract

Services

II.1.4. Short description

The Service Agreement comprises a yearly service and emergency services regarding the fire protection system manufactured by Minimax at the compressor station in Egtved, Denmark.

According to mandatory legal regulations - each year 33% of all devices, including detectors, junction boxes and means of alarm must be inspected - so that after 3 years every device has had a minimum of one inspection.

In addition, 100% of the dry contacts of the operating PLC must be tested.

II.1.6. Information about lots

This contract is divided into lots: no

II.1.7. Total value of the procurement

Value excluding VAT: 5 000 000,00 DKK

II.2. Description

II.2.3. Place of performance

NUTS code: DK Danmark

Main site or place of performance: Egtved

II.2.4. Description of the procurement

The Service Agreement comprises a yearly service and emergency services regarding the fire protection system manufactured by Minimax at the compressor station in Egtved, Denmark. According to mandatory legal regulations - each year 33% of all devices, including detectors, junction boxes and means of alarm must be inspected - so that after 3 years every device has had a minimum of one inspection.

In addition, 100% of the dry contacts of the operating PLC must be tested. For that purpose, the operating PLC must be disconnected temporarily.

The duration of the service agreement – which Energinets intends to enter with the current supplier Minimax Fire Solutions International GmbH – is (up to) 15 years. The anticipated spend is 350.000 DKK per year based on past figures.

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 works, supplies or services can be provided only by a particular economic operator for the following reason:
 - protection of exclusive rights, including intellectual property rights

Explanation:

In accordance with Art. 50 of the EU Utilities Directive (Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC), Energinet intends to enter into a new Service Agreement with the existing supplier Man Energy Solutions, as a change of supplier is impossible or would result in disproportionate technical difficulties in operation and maintenance for the following reasons:

- The system, to which the services relate, is specially designed and manufactured for the compressor station in Egtved by Minimax – therefore the technical complexity of the system is not according to a standard.
 - To service the system fabricated by Minimax – only a certified service partner can be used. As Minimax does not certify others in maintaining and servicing their systems, only Minimax's own service department would be certified.
 - Due to legal precedence in Germany, Minimax has installed logs on the system. Only Minimax owns and has access to the log files and log-on codes.
 - Only Minimax has the physical keys to the system.
 - The software attached to the system is owned by Minimax and they only can program, update, and alter the existing software for the system comprised by the service agreement.
 - Only the manufacturer of the system (Minimax) has access to applicable drawings and documentation
- Only a full replacement of the entire system would change the circumstance that Minimax is the only supplier to provide the services under this contract. Therefore, there is no reasonable alternative.

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: [2021/S 252-671855](#)

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

A contract/lot is awarded: yes

V.2. Award of contract

V.2.1. Date of conclusion of the contract

10/02/2022

V.2.3. Name and address of the contractor

Official name: Minimax Fire Solutions International GmbH

National registration number: DE304880031

Postal address: Industriestrasse 10/12

Town: Oldesloe

NUTS code: DEF Schleswig-Holstein

Postal code: D-23840

Country: Germany

The contractor is an SME: no

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

Total value of the contract/lot: 5 000 000,00 DKK

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: Nævnenes Hus, Toldboden 2

Town: Viborg

Postal code: 8800

Country: Denmark

E-mail: klfu@naevneshus.dk

Telephone: +45 72405708

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

VI.4.3. Review procedure

Precise information on deadline(s) for review procedures:

Complaints regarding a candidate not being pre-qualified must be filed with The Complaints Board for Public Procurement within 20 calendar days starting the day after the contracting authority has sent notification to the candidates involved, provided that the notification includes a short account of the relevant reasons for the decision.

Other complaints must be filed with The Complaints Board for Public Procurement within:

1. 45 calendar days after the contracting authority has published a contract award notice in the Official Journal of the European Union (with effect from the day following the publication date);
2. 30 calendar days starting the day after the contracting authority has informed the tenderers in question, that the contracting authority has entered into a contract based on a framework agreement through reopening of competition or a dynamic purchasing system, provided that the notification includes a short account of the relevant reasons for the decision;
3. 6 months starting the day after the contracting authority has sent notification to the candidates/tenderers involved that the contracting authority has entered into the framework agreement, provided that the notification included a short account of the relevant reasons for the decision.
4. 30 calendar days after the contracting authority has published a contract award notice in the Official Journal of the European Union which clarifies the reasons for the contract being awarded without prior publication of a contract notice (when the procedure described in section 4 of the Act on the Danish Complaints Board for Public Procurement (klagenævnsloven) has been followed).

Energinet shall follow the procedure in Section 4 of the Act on the Board of Appeal (Consolidated Act No 593 of 2.6.2016 on the Public Procurement Board of Appeal, available at: www.retsinformation.dk). Thus, the intended contract will not be concluded before the expiry of 10 calendar days with effect from the day following the date of publication of this notice, cf. Section 4 (1) (2) of the Act on the Board of Appeal.

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

Official name: Konkurrence- og forbrugerstyrelsen

Postal address: Carl Jacobsen Vej 35

Town: Valby
Postal code: 2500
Country: Denmark
E-mail: kfst@kfst.dk
Telephone: +45 41715000
Internet address: <http://www.kfst.dk>

VI.5. Date of dispatch of this notice

15/02/2023