

**Germany-Dortmund: IT services**  
**OJ S 40/2023 24/02/2023**  
**Contract notice – utilities**  
**Services**

**Legal Basis:**

Directive 2014/25/EU

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**Section I: Contracting entity**

**I.1. Name and addresses**

Official name: Amprion GmbH  
Postal address: Robert-Schuman-Straße 7  
Town: Dortmund  
NUTS code: DEA Nordrhein-Westfalen  
Postal code: 44263  
Country: Germany  
E-mail: [andreas.borutta@amprion.net](mailto:andreas.borutta@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://s2c.mercell.com/today/30983>  
Additional information can be obtained from the abovementioned address  
Tenders or requests to participate must be submitted electronically via: <https://s2c.mercell.com/today/30983>

**I.6. Main activity**

Other activity: Electricity

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**Section II: Object**

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

**II.1.1. Title**

Development and Service and Maintenance for the Optimisation Module (AOF) for the MARI Platform (Lot 1) and the Data Management Module for the MARI Platform (Lot 2)

**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.

Amprion is not a contracting authority or sector contracting authority within the meaning of public procurement law. In the present case, Amprion is exceptionally issuing a public invitation to tender, as the service to be procured also meets the needs of other transmission system operators who are subject to public procurement law.

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

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

This contract is divided into lots: yes

Tenders may be submitted for all lots

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

#### **II.2.1. Title**

Development and Service and Maintenance of the AOF module for the MARI platform

Lot No: 1

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

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

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

NUTS code: DEA Nordrhein-Westfalen

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

The optimisation module or AOF (activation-optimisation function) module of the platform refers to the module, which solves the optimisation problem and provides the market clearing for the mFRR. As such, the module is responsible for finding the most cost-efficient activation of mFRR bids to meet the TSO demands, while considering constraints linked with the availability of the network. The service provider is expected to perform software development of this module, as well as provide service and maintenance during ongoing operation of this module of the platform.

#### **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: 36

This contract is subject to renewal: yes

Description of renewals:

1x 36 months

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

Envisaged minimum number: 2Maximum number: 4Objective 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 4 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 sheets "Annex 3 - Price List MARI - Lot 1" / 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**

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

##### **II.2.1. Title**

Development and Service and Maintenance of the Data Management Module for the MARI platform

Lot No: 2

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

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

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

NUTS code: DEA Nordrhein-Westfalen

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

The data management module is responsible most importantly for providing an interface for the national mFRR

energy markets. In this sense, the data management module is responsible for receiving all TSO demands and

bids for mFRR based on standard products and provide this information to the AOF module, which will perform

the optimisation and determine the satisfaction of balancing demands. Additionally, the respective available

capacities on relevant interconnectors are submitted by TSOs to the data management module and forwarded

by it to the optimisation module. The service provider is expected to perform software development of this

module, as well as provide service and maintenance during operation of this module of the platform.

#### **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: 36

This contract is subject to renewal: yes

Description of renewals:

1x 36 months

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

Envisaged minimum number: 2 Maximum number: 4 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 4 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 sheets "Annex 3 - Price List MARI - Lot 2" / 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**

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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:

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\_MARI" 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: 250,000 EUR 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\_MARI" 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\_MARI" 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.
- c) Experience with MILP  
Because of the nature of the AOF module, it is required that the Contractor has experience with MILP optimization problems, ideally within the context of energy markets.

Please fill in the relevant experiences in the document "Annex A3\_Reference List\_MARI"

#### **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 MERCELL platform.

All necessary documents must be uploaded on MERCELL 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**

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#### **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: 21/03/2023 Local time: 10:00

##### **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**

German, English

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

Tender must be valid until: 30/09/2023

## Section VI: Complementary information

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### VI.1. Information about recurrence

This is a recurrent procurement: yes  
Estimated timing for further notices to be published:  
2026/2029 - depending on used option

### VI.2. Information about electronic workflows

Electronic ordering will be used  
Electronic invoicing will be accepted  
Electronic payment will be used

### 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](mailto:vergabekammer@bezreg-muenster.nrw.de)

Fax: +49 251411-2165

Internet address: [https://www.bezreg-muenster.de/de/wirtschaft\\_finanzen\\_kommunalaufsicht/vergabekammer\\_westfalen/index.html](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:

Precise information on time limits for lodging complaints:

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](mailto:vergabekammer@bezreg-muenster.nrw.de)

Fax: +49 251411-2165

Internet address: [https://www.bezreg-muenster.de/de/wirtschaft\\_finanzen\\_kommunalaufsicht/vergabekammer\\_westfalen/index.html](https://www.bezreg-muenster.de/de/wirtschaft_finanzen_kommunalaufsicht/vergabekammer_westfalen/index.html)

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

21/02/2023