

Germany-Hamburg: Air-rescue services
OJ S 75/2014 16/04/2014
Contract notice – utilities
Services

Directive 2004/17/EC

Section I: Contracting entity

I.1. Name and addresses

Official name: DanTysk Offshore Wind GmbH

Postal address: Überseering 12

Town: Hamburg

Postal code: 22297

Country: Germany

For the attention of: Herr Voigt

E-mail: thomas.voigt@vattenfall.de

Telephone: +49 4063962587

Fax: +49 4063962620

Internet address(es):

General address of the contracting entity: www.vattenfall.de

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: Official name: DanTysk Offshore Wind GmbH c/o Vattenfall Europe AG

Postal address: Überseering 12

Town: Hamburg

Postal code: 22297

Country: Germany

Contact person: Angebotseingangsstelle

Internet address: www.vattenfall.de

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

Rescue Helicopter.

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

Services

Service category No 27: Other services

Main site or place of performance: DanTysk offshore Wind Farm in the German EEZ.

NUTS code DEZZZ Extra-Regio NUTS 3

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

II.1.4. Information about framework agreement

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

Provision a rescue helicopter along with medical crews to medical aid and service.

II.1.6. CPV code(s)

60443000 Air-rescue services, 35612500 Search and rescue helicopters, 35112000 Rescue and emergency equipment, 60443100 Air-sea rescue services, 75252000 Rescue services

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

Provision a rescue helicopter along with medical crews to medical aid and service in the area

(i) the construction field DanTysk,

(ii) the way from the ports into the construction field DanTysk, companies (and their agents) use which have been subcontracted by the client in connection with the construction of DanTysk,

(iii) FINO 3 and all of its operating companies, as well as

(iv) assistance in evacuation of a platform as describes in (i) to (iii)

Contract period: 1.6.2014 – 31.12.2014.

II.2.2. Information about options

Options: yes

Description of options: Provision of the Services during the operational phase of DanTysk.

Contract period: 1.1.2015 – 28.2.2017.

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 1.6.2014 Completion 31.12.2014

Section III: Legal, economic, financial and technical information

III.1. Conditions related to the contract

III.1.1. Deposits and guarantees required

In case that the bidder is no Ultimate Parent Company the bidder has to provide a Parent Company Guarantee in addition to other Guarantees. Details will be provided in the invitation to tender (ITT).

III.1.2.

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

Details will be provided in the invitation to tender (ITT).

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

Two or more applicants may also form a grouping in the form of an application consortium in order to obtain an ITT. No specific legal form is required but the individual members of such a consortium should be jointly and separately liable for performance of the contract. The application and later bidder consortium shall remain unchanged throughout the whole procedure until the works have been completed. If unforeseen circumstances require a change in the composition of such consortium, the awarding authority may allow such change at its sole discretion provided that the change does not distort competition amongst the applicants.

III.1.4. Contract performance conditions

The performance of the contract is subject to particular conditions: no

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:

1. Cover letter with information about the applicant's business case and the structure of applicant's entity. (other information)
2. Copy of an up to (not older than 6 months since announcement date) date registry entry in the companies or professional register (or similar) of the country in which the applicant is seated, issued by the responsible authority. (minimum condition).
3. Confirmation of current membership of a professional association (e.g. Chamber of Engineers or similar organization) of the country in which the applicant is seated, issued by the responsible authority. (other information)
4. Current confirmation of payment of taxes and social security contributions in the country in which the applicant is seated, issued by the responsible authority (e. g. Germany: Finanzamt and Krankenkasse; UK: HM revenue and customs; The Netherlands: Belastingdienst; Denmark: Erhvervs- og Selskabsstyrelsen) (minimum condition).
5. Self-declaration that no legally binding judgement has been passed relating to offences in the sense of § 21 Abs. 1 and 2 SektVO. (minimum condition).
6. Self-declaration about the absence of the following circumstances (minimum conditions):
 - a) any preconditions which could lead to bankruptcy or any similar financial situation,
 - b) convictions for an offence committed by applicant or applicant's management in connection with professional conduct,
 - c) any circumstances with regard to grave professional misconduct committed by applicant or applicant's management,
 - d) of the fact that the applicant has not been charged by a court to be in serious breach of a contract,
 - e) of any conflict of interest,
 - f) of any misrepresentation in supplying the information required by awarding authority of contacts with other applicants or bidders with the purpose of restraining competition (e.g. due to lack of funds).

For further information please check No. VI.3) of this notice.

The lack of confirmations/declarations/documentation designated as 'minimum condition' information/formalities will result in exclusion from the further award procedure.

If the bidder or bidder consortium, if this is applicable for the scope of work, intends to make

use of the resources of third parties/sub-contractors for confirmation of the performance capability in the course of the participation competition, the above declarations and confirmations regarding to the proportional scope of work must also be submitted with regard to the third parties/sub-contractors.

III.2.2. Economic and financial ability

List and brief description of conditions: 1. Information and formalities necessary for evaluating if the requirements are met: i. Respondent or, if applicable its parents, 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 1 times the Estimated Contract value.

2. 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, if applicable its parents. In case of a Joint Venture, please include this information for each partner. Additional financial information must be provided that relates specifically to the field of business related to the scope of the announced contract.

3. At contract award, Respondent is willing to issue performance bonds of approx. 15 % of the annual contract amount, valid for the contract duration, 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).

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

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

6. 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).

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

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

9. Respondent shall provide an overview of the corporate legal structure of Respondents or its parent (if applicable).

10. Information part of the Respondents Application: Overview of corporate legal ownership structure of Respondent or, if applicable, its parents.

11. A full credit check and financial assessment will be part of the evaluation procedure. All these informations are minimum conditions.

III.2.3. Technical and professional ability

List and brief description of conditions: 1) Particular references, not older than 5 years, for helicopters and services as requested under II.1.5) of this Contract Notice taking into account detailed information about:

a) participation in offshore projects

b) participation in offshore wind projects

c) particular experience of contractor and sub-contractor(s) (minimum condition: one (1) reference for all services under II.1.5)

- d) dedicated fleet of helicopters
 - e) track record of helicopters
 - f) Quality of logistics services of contractor and sub-contractor(s)
- 2) Confirmation that the applicant, in the event of contract award, is able to fulfil the contract in accordance with the applicable permissions rules under German law, (other information)
- 3) Information on the safety, health and environmental management system of the applicant (including statistics about accidents or lost time accidents for a period of the last 3 years). (other information)

The equipment and approval of the helicopter that should be used to fulfil the contract is named below:

- Helicopter Emergency Medical Service
- Helicopter Hoist Operations (hoist operation with doctor and casualty at the same time shall be possible, 'double winch')
- Ability to perform helicopter hoist operations in accordance with JAR-OPS 3.005(h) and NfL I 30/12 (exemptions for HEMS according to JAR-OPS3)
- Helicopter offshore operations
- Category A operation in Performance Class 1 to offshore helidecks (exemptions for HEMS acc. To JAR-OPS3)
- Offshore operations, more than 10 minutes from land
- Instrument Flight Rules (IFR) operation
- Collision avoidance system (Airborne collision avoidance system [ACAS])
- Flight following system (Automatic Dependent Surveillance – Broadcast [ADS-B])
- Airborne weather radar
- Compatible radio / communication system
- Equipped with analogue mission radio – 'Betriebsfunk'
- Equipped with marine radio
- Equipped to transport 2 pilots, 1 hoist operator, 1 emergency doctor and 1 paramedic
- The helicopter has to be able to transport at least 1 casualty (on a stretcher) over and above the crew and medical personnel on board the helicopter
- Ability to perform helicopter hoist operations on the transition piece for lifting up a casualty in a stretcher
- Life raft carried in accordance with JAR-OPS3.830, shall be approved in accordance with ETSO-2C505

Company Approvals

The company must hold an Air Operator Certificate (AOC) with the following entries:

- Dangerous goods (if required by the State authority)
- Helicopter Emergency Medical Service
- Helicopter offshore operations
- Instrument Flight Rules (IFR)
- Helicopter hoist operations (HHO) offshore: to fixed installations, to ships and to wind turbine generators.

The LBA approved Flight Operation Manual (FOM) has to include helicopter hoist operations to wind turbine generators (WTG) (including non-standard HHO to WTG (i.e. dead WTG mode).

The Flight Operation Manual (FOM) / Standard Operating Procedures (SOP) must include helicopter operations to offshore helidecks, HHO to WTG, HHO to vessels, HHO to fixed installations and HHO from transition piece platforms (if applicable) including risk assessment and method statement.

Flight Crew

- All pilots has to be approved for IFR on deployed aircraft type

- Flight crews must have offshore experience and fulfil the following
- minimum experience: Pilot in command (PIC):
 - a. 1 000 flight hours as PIC on helicopters or 1 000 h as Co-Pilot in HHO of which 200 h is as PIC under supervision
 - b. 100 flight hours offshore
 - c. 100 on deployed type
 - d. 50 offshore hoist cycles (20 at night)
 - e. 20 landings on offshore installations or vessels day
 - f. 10 landings on offshore installations or vessels night
 - g. 20 flight hours in VMC (visual meteorological conditions) as PIC at night
- Pilot:
 - a. 500 flight hours as PIC on helicopters or 500 h as Co-Pilot in HHO of which 100 h is as acting PIC under supervision
 - b. Helicopter Hoist Operator (in addition to JAR-OPS 3 sub-part N requirements):
 - c. 50 offshore hoist cycles (20 at night light)
- Flight crew and medical personnel must have valid helicopter underwater escape training (i. e. HUET) and equipped with required personal
 - protective equipment (e.g. helmet)
 - Flight crew (including HHO CM) must be equipped with ETSO approved
 - survival kit as required by the European Aviation Safety Agency (EASA)
 - Flight crew (including HHO CM) must hold a valid medical class 1 / 2
 - Medical crew must hold a valid medical certificate (DGMM, NOGEP, UKOOA or similar)
- Medical Services, equipment & personnel
- Medical equipment has to be in accordance with DIN EN 13718-2: 2008, DIN 13232: 2011. The final equipment will be defined in the tender documents.
- Medical personnel (HEMS crew members)
- The deployed medical personnel (HEMS crew members) must have completed the training (incl. HUET) required by JAR-OPS 3 sub-part N.
- Because of the diverse nature of work at height, this HEMS crew members shall not be able to respond to every type of emergency in height; optional medical personnel has to be trained based on the German professional fire service standard for rescuers as 'rescue at height'.
- Emergency physician
- The emergency physician must have the following qualifications:
 - Certified medical specialist status in the field of emergency medical care
 - Additional certified as 'emergency medical services' or comparable continuing education according to the examination regulations of a Medical Chamber.
 - Active and regular participation in emergency medical services
 - 6 month active experience in intensive medical care
 - Qualification as Crew Resource Management Training according to JAR-OPS
 - As minimum 50 HEMS missions performed as emergency physician
 - Psychological and physical suitability for air rescue under heavy complex conditions
 - Training course for hoisting operations and continuous training
 - Good knowledge in German and English language, Danish language is also welcomed
 - EMT-Paramedic
 - The EMT-Paramedic must comply with the following:
 - Paramedic having minimum three years of professional working experience in this field
 - Qualification as HEMS Crew Member (HCM) according to JAR-OPS
 - As minimum 50 HEMS missions performed as paramedic in the last two years
 - Qualification as Crew Resource Management Training according to JAR-OPS
 - Training course for hoisting operations and continuous training

- Special training as heights rescuer
- Psychological and physical suitability for air rescue under heavy complex conditions
- Good knowledge in German and English language
- Redundancy

For scheduled maintenance an equivalent helicopter has to be provided fulfilling the same prerequisites. In case of an unscheduled maintenance a suitable helicopter must be available.

Alert status

The helicopter shall be operated in the following alert status:

- Day (07:00 L.A.T. till sunset + 30 min): max. 15 min
- Night (sunset + 30 min till 07:00 L.A.T.): max. 45 min

Training

For helicopter offshore operations incl. Helicopter hoist operations has be carried out regular training, minimum every 90 days regarding to JAR-OPS requirements:

- onshore
- offshore

to fixed installations, to vessel, to wind turbine generators.

Training in the field together with the active Contractors is welcomed.

Evidence of training and team building activities of the crews has to be submitted and must be continued.

Operating base / response time

The rescue helicopter has to be based to reach every required operating site within 60 min (from alert).

3) The applicant has to provide information regarding the use of the resources of third parties /sub-contractors to comply with the helicopter and service requirements under II.1.5.) of this Contract Notice. (other information)

If the bidder or bidder consortium, if this is applicable for the scope of work, intends to make use of the resources of third parties/sub-contractors for confirmation of the performance capability in the course of the participation competition, the above declarations and confirmations regarding to the proportional scope of work must also be submitted with regard to the third parties/sub-contractors.

III.2.4. Information about reserved contracts

III.3. Conditions specific to services contracts

III.3.1. Information about a particular profession

Execution of the service is reserved to a particular profession: no

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

An electronic auction will be used: no

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)

Payable documents: no

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

13.5.2014

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

German. 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

The application and tender procedure is conducted in accordance with the German law.

Pursuant to this regulation the following procedural guidelines have to be observed:

A. Formal

1. The participation application and the corresponding confirmations/declarations /documentation must be made in writing and in German or English and additional electronic on a data carrier (CD) (submission to the specified point of contact by the closing date – submission by telefax or electronic form, e.g. by e-mail, is not sufficient).

2. All declarations and confirmations specified in the announcement must be submitted completely. The participation application, confirmations and declarations must be signed personally, original and as legally binding. Copies or Scans of signatures are not allowed.

3. The application documents must be structured according to No. III. 2) and have to contain the requested information in the respective category. Otherwise the awarding authority is not obliged to take such information into consideration. A reference to an earlier application is not sufficient.

4. The application must contain the applicant's consent to the fact that the awarding authority may be

exchanged with another entity. It might be necessary to change the awarding authority to a

separate legal entity within the group of the awarding authority in the course of the tender procedure.

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

6. Applicants shall state in their application details of any service(s) / work for execution of services, are to be awarded to third parties as subcontractors. In such case, an index of subcontractors with corresponding service(s) / work and the necessary information/declarations /confirmations must be attached to the application.

7. The obligation of the submission of certificates is not applicable, if a comparable register does not exist or if a registration is not necessary in the particular country. In this case applicant has to give sufficient evidence that a comparable register does not exist or if a registration is not necessary.

8. The required information, declarations and confirmations do not constitute minimum conditions. Essential information, i.e. information which absolutely must be submitted by the end of the application period, is designated as 'minimum conditions'. Delay or failure to submit information designated as 'minimum conditions' will result in exclusion from the procedure. The awarding authority reserves the right to require further declarations and confirmations, but is not obliged to do so, neither are the applicants entitled to complete their documents.

9. The decision on the invitation to tender will take into account the principles of transparency, equal access, publicity and equal treatment.

10. Regarding to the technical capacity (point III.2.3 of this publication) and deviant to the additional information (point VI.3 of this publication) the bidder has to be able to create necessary documents for permissions in English and / or German.

11. The awarding authority is not liable for any costs incurred by the applicants nor shall it reimburse any expenses or losses which applicants incur or suffer in connection with the application procedure, including in the event of a cancellation.

B. Selecting the operators who will be invited to tender.

The awarding authority will examine the participation applications in a three-stage process:

1. Examination of the required confirmations and qualifications,
2. Examination of potential reasons for exclusion ('minimum conditions'),
3. Examination of the suitability of the applicant in accordance with the published participation conditions which are not designated as minimum condition.

The evaluation will follow in accordance with the valuation rules for the particularly qualification criteria.

C. Conditions relating to the contract

1. The awarding of the contract is subject to approval by the corporate bodies of the awarding authority (i.e. Board of Directors of Vattenfall AB) (organ reservation).
2. The awarding of the contract is subject to the confirmation by the awarding authority that the work described in this announcement will be carried out with commercial reasonableness.
3. The awarding of the contract is subject to the issuance of the necessary permits, approvals and regulatory licenses.
4. The awarding authority reserves the right to cancel the tender procedure in its entirety or in parts at any time.
5. The awarding authority is not liable for any costs incurred by the bidders nor shall it reimburse any expenses or losses which bidders incur or suffer in connection with the tender procedure, including in the event of a cancellation.

The awarded supplier shall be registered in the qualification system Vattenfall Supplier Bank latest 2 weeks after signing the contract. Registration must be maintained by the supplier for the complete duration of the contract.

VI.4. Procedures for review

VI.4.1. Review body

Official name: Vergabekammer bei der Finanzbehörde Hamburg

Postal address: Gänsemarkt 36

Town: Hamburg

Postal code: 20354

Country: Germany

VI.4.2. Review procedure

Precise information on deadline(s) for review procedures: Exact instructions with respect to the deadlines for the filing of legal complaints:

Appeals have to be done immediately; the undefined term 'immediately' is hereby fixed on 5 calendar days.

In accordance with § 107 Abs 3 S. 1 Nr 2, 3 and 4 GWB (Gesetz gegen

Wettbewerbbeschränkungen; German Competition Act), a 'Nachprüfungsantrag' (formal review proceedings) is inadmissible:

a) if violations of tender regulations that can be recognized in the announcement have not been complained against towards the tendering authority before the date referred to in the announcement for the submission of bids or applications (§ 107 Abs 3 S. 1 Nr 2 GWB)

b) if violations of tender regulations that can only be recognized in the tender documents have not been complained against towards the tendering authority before the date referred to in the announcement / the invitation to submit a bid for the submission of bids or applications (§ 107 Abs 3 S. 1 Nr 3 GWB)

c) if more than 15 calendar days have passed since the reply by the tendering authority that he will not remedy a complaint.

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

VI.5. Date of dispatch of this notice

11.4.2014