

DK-Esbjerg: Wind turbines
OJ S 88/2013 07/05/2013
Contract notice – utilities
Works

Directive 2004/17/EC

Section I: Contracting entity

I.1. Name and addresses

Official name: Vattenfall Vindkraft A/S

Postal address: Exnersgade 2

Town: Esbjerg

Postal code: 6700

Country: Denmark

Contact person: Vattenfall AB, Evenemangsgatan 13, 169 56 Solna, Sweden

For the attention of: Anna Bohman

E-mail: anna.bohman@vattenfall.com

Telephone: +46 705695309

Internet address(es):

General address of the contracting entity: <http://www.vattenfall.dk>

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: the abovementioned address

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

Klim wind farm.

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

Works

Design and execution

Main site or place of performance: Jammerbugt municipality, in the north west of Jylland, Denmark.

NUTS code DK050 Nordjylland

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

The notice involves a public contract

II.1.4. Information about framework agreement

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

The scope of the whole project is to replace thirty five 600kW wind turbines (WTG) with twenty one new WTG and to build associated WTG foundations, roads and cables. The wind farm is located in Jammerbugt municipality in the north west of Jylland, Denmark. The Klim project is equipped with an irrevocable permit.

The contract comprises the design, transportation, installation, commissioning and maintenance of 21 wind turbines to Klim wind farm. The contract shall be governed under Danish law.

II.1.6. CPV code(s)

31121320 Wind turbines, 45251160 Wind-power installation works

II.1.7. Information about the Government Procurement Agreement (GPA)

The procurement is covered by the Government Procurement Agreement: yes

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

The scope of work of this tender includes the design, engineering, manufacturing, fabrication, installation, installation equipment, transportation, commissioning and maintenance of twenty one wind turbines. The tender process will conclude in two Contracts; one turbine supply agreement and one service agreement. The two Contracts will be made with the same supplier. The estimated time between signing Contracts and delivery of wind turbines at site is 7-12 month.

The total height of the wind turbines shall be between 140m and 150m and rotor diameter hub height ratio shall be between 1:1,1 and 1:1,35.

II.2.2. Information about options

Options: no

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 1.3.2014 Completion 30.11.2015

Section III: Legal, economic, financial and technical information

III.1. Conditions related to the contract

III.1.1. Deposits and guarantees required

Refer to the invitation to tender.

III.1.2. Main financing conditions and payment arrangements and/or reference to the relevant provisions governing them

Refer to the invitation to tender.

III.1.3.

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

Refer to the invitation to tender.

III.1.4. Contract performance conditions

The performance of the contract is subject to particular conditions: yes

Description of particular conditions: Refer to the invitation to tender.

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: Assessment of Tenderers shall be based on the minimum requirements, defined herein in III.2).

Each Respondent shall fully comply with the minimum requirements. Some of the criteria entail the hand over of suitable proof. For each requirement it is stated what information shall be handed over as part of the Respondents Application and what information shall be handed over at conditional contract award. It is noted that contract award shall, amongst others, be provisional to the hand over of all such proof and documentation.

If the Respondent is a branch, subsidiary or operating company of a holding company or a group of companies and such holding company or group of companies expresses the intent to guarantee the performance of the Respondent under the Contract (see sub II.2.1) g. below) then this guaranteeing entity is to complete the 'company requirements' and 'economic and financial requirements' as listed below in the Sections III.2.1 and III.2.2. The information provided by such guaranteeing entity for Pre-Qualification purposes will be used in the evaluation of Vattenfall's minimum requirements.

If a Respondent is a consortium or a Joint Venture, section III.2.1) 'company requirements' and section III.2.2). 'economic and financial requirements' are applicable to each member individually. The 'technical requirements', however, are applicable to the consortium as a whole.

a. Respondent is not subject to any of the exclusion criteria set in article 45 of EU Directive 2004/18.

Information part of the Respondents Application: Own declaration stating compliance with this requirement (signed by a director or an employee with power of attorney).

Information required at conditional contract award: A declaration from an independent (governmental) authority or entity mandated to issue such declarations or another equal proof of the requirement.

b. Respondent is not bankrupt, has not been liquidated, has not been granted a moratorium or has not compounded with creditors; or that Respondent's activities have not been stopped or are not in any other similar conditions.

Information part of the Respondents Application: Own declaration stating compliance with this requirement (signed by a director or an employee with power of attorney).

Information required at conditional contract award: A declaration, no more than three months old, by the clerk of the district court of the domicile or the location of the registered office of Respondent or another equal proof of the requirement.

c. No proceedings have been requested or are in progress against the Respondent that can result in bankruptcy, liquidation or a moratorium or compounding with creditors.

Information part of the Respondents Application: Own declaration stating compliance with this requirement (signed by a director or an employee with power of attorney).

Information required at conditional contract award: A declaration, no more than three months old, by the clerk of the district court of the domicile or the location of the registered office of

Respondent or another equal proof of the requirement.

d. Respondent has complied with all his obligations with regard to the payment of social insurance contributions in accordance with the statutory provisions.

Information part of the Respondents Application: Own declaration stating compliance with this requirement (signed by a director or an employee with power of attorney).

Information required at conditional contract award: A declaration, no more than three months old, from the executive agency of the national social insurance organization or another equal proof of the requirement.

e. Respondent has complied with all his obligations with regard to paying his taxes.

Information part of the Respondents Application: Own declaration stating compliance with this requirement (signed by a director or an employee with power of attorney).

Information required at conditional contract award: A declaration, no more than three months old, from the tax authorities or another equal proof of the requirement.

f. Respondent is registered in the register of companies.

Information part of the Respondents Application: A current version of a Certified Copy Certificate(s) of registration / incorporation.

Information required at conditional contract award: No additional information required.

g. If the Respondent is a branch, subsidiary or operating company of a holding company or a group of companies and wishes to use the consolidated financial information of the holding company or group of companies for the purposes of this Application, this holding company or parent company shall provide a declaration expressing its willingness to fully guarantee any liability of its subsidiary during the duration of the contract.

Information part of the Respondents Application: Duly signed statement(s) of the parent(s) stating that it will thus guarantee the performance of the Respondent under a Contract resulting from this tendering procedure.

Information required at conditional contract award: A full Parent Company Guarantee according to the format part of the ITT.

h. If the Respondent is a branch, subsidiary or operating company of a holding company or a group of companies and has a parent company, the parent company shall provide evidence that it is registered in the register of companies.

Information part of the Respondents Application: A current version of a Certified Copy Certificate(s) of registration / incorporation.

Information required at conditional contract award: No additional information required.

III.2.2. Economic and financial ability

List and brief description of conditions: i. Respondent, shall have the reputable and healthy financial standing necessary to execute the announced Contracts with the corresponding risk profile. The yearly turnover average over the last three years will be minimal 3 (three) times the estimated contract value. In case of a Joint Venture the yearly combined turnover average over the last three years will be minimal 4.5 (four and one half) times of the value of the Contract.

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. Additional financial information must be provided that relates specifically to the field of business related to the scope of the announced contract.

Information required at conditional contract award: No additional information required.

j. At contract award, Respondent is willing to issue performance bonds of approx. 10 % of the price of the works of the turbine supply agreement, valid until take over of the works of the turbine supply agreement, 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). Price of works means the agreed net amount to be stated in the turbine supply agreement for design, execution and completion of the works and the remedying of any defects and excludes adjustments (if any) in accordance with the turbine supply agreement. Respondent is also willing to issue performance bonds, under the same conditions as stated above, of approx. 5% between take over of the works and end of the defects notification period. 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 turbine supply agreement.

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

k. 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).

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.

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

A full credit check and financial assessment will be part of the evaluation procedure.

III.2.3. Technical and professional ability

List and brief description of conditions: l. Respondent shall be an established and experienced contractor for projects of comparable work scope as described in section 5 'Project and scope', comparable size and complexity.

Information part of the Respondents Application: A list of most relevant reference projects in which the Respondent (and, in case Respondent is a Joint Venture, for each participant, two in sum) was or is involved in the past five years, including short descriptions of the project and clear and comprehensive description of the organization of, and responsibility for each activity. In case Respondent is a Joint Venture, please clearly describe which responsibility was assigned to each participant.

Information required at conditional contract award: Information that confirms the established organization/representation that fulfils this requirement.

m. At the time of installation, the wind turbines shall have the Danish type approval.

Information part of your Respondents Application: Duly signed declaration from the Respondent stating its commitment to fulfil this requirement.

Information required at conditional contract award: No additional information required.

n. Respondent shall employ recognised quality, health, safety and environment management systems, such as ISO 9001 Quality, OHSAS 18001 Occupational health and safety management systems and ISO 14001 Environmental management systems.

Information part of your Respondents Application: Evidence shall be provided from an independent and accredited organisation.

A description of the QHSE management system shall be provided, such as system manuals.

Information required at conditional contract award: No additional information required.

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

III.2.4. Information about reserved contracts

III.3. Conditions specific to services contracts

III.3.1. Information about a particular profession

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)

Time limit for receipt of requests for documents or for accessing documents: ..

Payable documents: no

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

3.6.2013 - 12:00

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

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

Method of submitting the Respondents Application:

The Respondent's Application shall contain as a minimum the information listed in the "Mandatory information to be supplied as part of your Application", stated below. Provided information shall follow the order and format as described. The following shall be submitted by post to the address of the Point of Contact:

1. A duly signed letter, summarizing the Respondent's Application.
2. An USB-stick containing digital copies of all requested information, which follow the order and format as described in section 9 and if necessary supported by non-critical Appendices. Any correspondence shall be marked: "Klim wind farm" and shall be sent to the point of contact stated in section I. Replies submitted (the actual Respondents Application) by fax or e-mail will not be accepted. Informal correspondence may be done by e-mail. Vattenfall reserves the right to refuse any documents that have been delivered after the Application due date.

Mandatory information to be supplied as part of your Application:

The Respondents Application shall contain all information as listed below. The structure of the information shall follow the numbers of sections and paragraphs of this request and shall include all listed information including scans of original signed documents and declarations.

The Respondents Application and all annexed documents shall be written in English.

1. Respondents Name, including legal form and full address of incorporation. In case Respondent is a Joint Venture or consortium, please include interest and role of each of the partners in the Joint Venture.
2. Detailed contact information of the person responsible for the communication on behalf of the Respondent.
3. Respondents organizational structure, including shareholder and grouping structure and parent/holding company structure if applicable (please include comprehensive organization charts including legal entity names and relations). In case Respondent is a Joint Venture or consortium, please include this information for each participant.
4. General company information, including history and current business outline. In case of a Joint Venture, please include this information for each participant, but in particular for the Joint Venture itself.
5. All information listed in the minimum requirement section III.2) above to be supplied as part of your Application. Please make clear references to each minimum requirement the information is related to. If a Respondent is a consortium or a Joint Venture, section III.2.1) and section III.2.2 are applicable to each member individually. In case of III.2.1) g, this guaranteeing entity is to complete the 'company requirements' and 'economic and financial requirements' as listed in the Sections III.2.1) and III.2.2).
6. In case Respondent is a Joint Venture or consortium, please include full legal name of the partner nominated to act as manager of the Joint Venture and who, in such capacity, is authorized or shall be authorized to incur liabilities and enter into contractual relationships with third parties, including settlement of any disputes hereunder, to receive and act upon instruction from Vattenfall, to make and receive payments, all on behalf of the Joint Venture
7. In case Respondent is a Joint Venture or consortium, please include a statement to evidence that the Joint Venture partners are jointly & severally liable.
8. In case Respondent is a Joint Venture or consortium, please include a statement of consent of the parent of each Joint Venture partners that the respective subsidiary has entered into the Joint Venture for the purpose of this Contract.

Additional requirements - Joint Ventures

If the Respondent is a Joint Venture of two or more legal entities (herein referred to as "Joint Venture" or "JV") whether incorporated or unincorporated - the following additional requirements apply:

1. The obligations, risks and liabilities imposed on the Respondent by the tender process and / or by any agreement as a result of this tendering process, if awarded, shall be guaranteed by the partners in that Joint Venture jointly and severally. The Respondents Application and any resulting tender and/or agreement shall be signed for each of those parties by the person or persons authorized to make legally valid commitments;
2. At Conditional Contract Award, the Respondent shall submit proof that the agreement amongst the Joint Venture partners provides that:
 - a. if a Joint Venture partner goes into liquidation or has a receiving order issued against it, such partner will consent to, and the other partner(s) shall procure that all construction equipment, including without limitation tools, computer programs, and software furnished by the partner in question, and all subcontracts entered into by it, shall continue to be available, or, as the case may be, shall be assigned to the other partner(s), and
 - b. the structure and membership of the Joint Venture shall be maintained throughout the validity period of the tender and/or agreement;
 - c. Statement to evidence that the Joint Venture is registered in the register of companies.
3. The Joint Venture shall remain unchanged throughout the whole procedure for the settlement of Contract. If unforeseen circumstances require a change in the composition of such consortium, the awarding entity may allow such change at its sole discretion provided that the change does not distort competition amongst the Tenderers.

Other additional requirements and information:

1. In case Respondents belong to the same group company and/or consortium of service providers and are affiliated to each other by way of consolidated annual accounts or in any other financial-administrative sense, only one of the parties shall be allowed to respond to this Announcement.
2. Under no circumstance shall Vattenfall be liable for any costs or expenses, incurred by the responding party in connection with the Respondents Application or any resulting tendering procedure.
3. Vattenfall reserves the right to suspend or terminate this tendering process either entirely or parts thereof, either temporarily or definitively. In addition, Vattenfall has no obligation to enter into any agreement. Specifically, Vattenfall reserves the right to exclude transport and installation from the wind turbine supply agreement.
4. By participating in this tender, the Respondent declares that he unconditionally agrees with the content of this PQQ.
5. Confidentiality to be observed by the Respondent
By participating in the tender, the Respondent undertakes to keep all information that he receives from the Contracting Entity – insofar as such is not available in the public domain – and all information they either submit to the Contracting Entity or otherwise produce in the context of the tender, as confidential and not to disclose such information to third parties. Respondent may provide his employees or contractors who are involved in the tender with such information provided the confidentiality clause is imposed upon them. This obligation does not apply if the contrary expressly appears from this PQQ or Invitation to Tender or other official communication from the Contracting Entity.
6. Confidentiality to be observed by the Contracting Entity:
The Contracting Entity shall not reveal the confidential information supplied by a Respondent at his own initiative to other Respondents without the express consent of the respondent in question. By participating in the tender, possible intellectual property rights to which the Respondent is entitled do not pass to the Contracting Entity, unless otherwise agreed.
7. The Contracting Entity is authorized to verify the references given, including by requesting Respondents that declarations made by employers of the quoted reference projects will be sent directly to the Contracting Entity, or by asking for audited statements. The Contracting

Entity may also require the Respondents to supplement or clarify the certificates and documents submitted.

8. The Respondent is invited to ask questions regarding the Application before the application due date.

The Contracting Entity reserves the rights to terminate the tender process at any time or to adjust the above tendering process and timing schedule at any time during the tender process if circumstances so dictate.

The contract award shall be conditional upon approval by the Board of Directors of Vattenfall AB and is subject to existing permits under public law and to economically viable implementation of the services to be determined by the contracting entity

Please ask for an additional document that clarifies this Prequalification Questionnaire.

VI.4. Procedures for review

VI.4.1. Review body

Official name: Klagenævnet for Utbud

Postal address: Kampannsgade 1, København V

Town: Copenhagen

Postal code: 1780

Country: Denmark

E-mail: klfu@eogs.dk

Telephone: +45 33307700

Fax: +45 33307799

Internet address: www.klfu.dk

VI.4.2. Review procedure

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

Official name: Danish competition and consumer authority

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

3.5.2013