

Denmark-Copenhagen: Architectural, construction, engineering and inspection services
OJ S 65/2023 31/03/2023
Contract notice – utilities
Services

Legal Basis:

Directive 2014/25/EU

Section I: Contracting entity

I.1. Name and addresses

Official name: Metroselskabet I/S
National registration number: 30823699
Postal address: Metrovej 5
Town: København
NUTS code: DK01 Hovedstaden
Postal code: 2300
Country: Denmark
Contact person: Vibeke Jessen
E-mail: vij@m.dk
Internet address(es):
Main address: www.metroelskabet.dk

I.1. Name and addresses

Official name: Hovedstadens Letbane I/S
National registration number: 30823699
Postal address: Metrovej 5
Town: København
NUTS code: DK01 Hovedstaden
Postal code: 2300
Country: Denmark
Contact person: Vibeke Jessen
E-mail: vij@m.dk
Internet address(es):
Main address: www.m.dk

I.2. Information about joint procurement

The contract involves joint procurement

I.3. Communication

The procurement documents are available for unrestricted and full direct access, free of charge, at: https://app.byggeprojekt.dk/public/1911-Framework_Agreement_Assessor_Services
Additional information can be obtained from the abovementioned address
Tenders or requests to participate must be submitted electronically via: https://app.byggeprojekt.dk/public/1911-Framework_Agreement_Assessor_Services
Tenders or requests to participate must be submitted to the abovementioned address

I.6. Main activity

Recreation, culture and religion

Section II: Object

II.1. Scope of the procurement

II.1.1. Title

Framework Agreement Assessor Consultancy Services

II.1.2. Main CPV code

71000000 Architectural, construction, engineering and inspection services

II.1.3. Type of contract

Services

II.1.4. Short description

Metroselskabet I/S and Hovedstadens Letbane I/S (hereinafter named the Client) jointly procures a framework agreements with 4 consultants. The framework agreement includes Assessor services for several projects, among these the new M5 alignment and the extension of M4 Nordhavn. Please refer to section II.2.4) and the tender documentation for a detailed description of the framework agreement and the call off methods for the Framework agreement.

II.1.5. Estimated total value

Value excluding VAT: 100 000 000,00 DKK

II.1.6. Information about lots

This contract is divided into lots: no

II.2. Description

II.2.3. Place of performance

NUTS code: DK01 Hovedstaden

Main site or place of performance: Mainly at the Clients address or the consultants home address, but also at the Clients constructions sites.

II.2.4. Description of the procurement

The Client are procuring a joint Framework Agreement including Assessor services. The Client expects the Framework Agreement to be used in multiple projects. Currently, the Client expects the first award of contract to a mini-tender for assessor services related to the M5 Østhavn-project. Other projects relevant to the Framework Agreement are the extension of M4 Nordhavn and various smaller contracts related to the construction of the Light Rail. The Client is not obligated to use the Framework Agreement. The framework agreement covers the following disciplines:

a) Infrastructure,

- Underground structures and tunnels
- Above ground structures and bridges
- Geotechnics including groundwater
- Experience with concrete, steel and timber structures (latter is optional)
- Trackworks, slab and ballasted tracks

b)Energy

-Traction Power and Power Supply

-Third Rail

-Overhead Contact Line

c) Control-command and signalling (trackside and onboard)

- CBTC
- Interlocking
- Telecommunication Systems
- d) Rolling stock
 - Metro vehicles for underground operation
 - Light Rail Vehicles
 - Service Vehicles
- e) Traffic operation and management
 - Operational safety rules
- f) Maintenance
 - Technical Safety rules
- g) System safe integration
- h) Fire Safety- Buildings fire safety systems, including fire alarm and fire fighting
 - Tunnel ventilation

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

Value excluding VAT: 100 000 000,00 DKK

II.2.7. Duration of the contract, framework agreement or dynamic purchasing system

Duration in months: 72

This contract is subject to renewal: yes

Description of renewals:

Tasks ordered before the end of the framework agreement shall be finalised also after the end of the framework agreement.

No task can be ordered after the end of the framework agreement.

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

Envisaged minimum number: 6 Maximum number: 7 Objective criteria for choosing the limited number of candidates:

If the Client receives more than 6-7 applications for prequalification, the Client will select the candidates who has documented the most relevant experiences within the type of services covered by the Framework Agreement. The selection will be based on the references submitted by the candidates, and the Client will place emphasis on references documenting substantial experience with:

- Similar services as the services covered by the Framework Agreement, please refer to section II.2.4)
- Type of infrastructure, preferably metros and light rail and
- The range of services covered by the references, please refer to section II.2.4).

For a) Infrastructure - Geotechnics including groundwater references showing experience with local Danish conditions will be preferred.

II.2.10. Information about variants

Variants will be accepted: no

II.2.11. Information about options

Options: yes

Description of options:

The framework agreement may be extended 2 X 12 months on similar terms and conditions.

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

III.1. Conditions for participation

III.1.2. Economic and financial standing

List and brief description of selection criteria:

Information on the applicants below mentioned economic key figures for the last 3 years (if available) need to be filled in section IV.B in the ESPD:

Equity.

Formalities:

If a candidate relies on another economical entity for meeting the economical and financial requirements; the entity must submit a complete and signed section IV.B in the ESPD. If the application is submitted by a consortium an ESPD is required for each member of the consortium. Further a description of the roles of each member and an argumentation for the need of the consortium need to be filled in section II.A in the ESPD.

Minimum level(s) of standards possibly required:

The equity must not be negative in one or more of the last 3 available financial years.

III.1.3. Technical and professional ability

List and brief description of selection criteria:

Assessor crediting / certificate for the applicant.

Up to 5 references may be filled in the section IV.C of the ESPD. The references may no be older than 8 years counting from the date of the deadline for submission of application for prequalification for this Framework Agreement.

For each reference the following information is required:

- description of the task solved,
- date for commencing the task and date for completion of the task
- information on approximately number of hours spent on the task by employees engaged by the applicant at the time for applying for pre-qualification,
- description of the role of the applicant,
- description of the services provided by the applicant,
- the fee for solving the task,
- the name of the Client and contact information for a contact person in the Clients organisation.

Only references for projects performed under a framework Agreement will be accepted as references. The Client does not consider a framework agreement itself to be a reference.

Formalities:

If the application is submitted by a consortium an ESPD is required for each member of the consortium, please refer to section VI.3). If a candidate relies on another economical entity for meeting the economical and financial requirements; the entity must submit a complete and sign section IV.C in the ESPD.

Minimum level(s) of standards possibly required:

Assessor crediting/certificate for the applicant.

III.1.4.

Objective rules and criteria for participation

List and brief description of rules and criteria:

The applicant must complete sign and date an ESPD. Using the ESPD system please import an XML-file from www.byggeprojekt.dk. Access to the system are available after registering via the link in section I.3) of the present contract notice. The applicant need to fill in section II to V and date and sign section VI of the ESPD. An ESPD is needed for each member of a Consortium, cf. section III.1.2) and III.1.3.

A supporting entity must complete an ESPD in accordance with section III.1.2) and III.1.3) and date and sign section VI. The application need to be submitted via www.byggeprojekt.dk

III.1.6. Deposits and guarantees required

None

III.1.8. Legal form to be taken by the group of economic operators to whom the contract is to be awarded

If the applicant is a consortium (group of economic operators) the members must be joint and severe liable, cf. 'Tender Conditions', appendix C.

III.2. Conditions related to the contract

III.2.2. Contract performance conditions

The Clients 'Code of Conduct' will form part of the framework agreement. The holders of a framework agreement will be obliged to fulfil a social clause, cf. 'draft framework agreement'.

Section IV: Procedure

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

The procurement involves the establishment of a framework agreement

Framework agreement with several operators Envisaged maximum number of participants to the framework agreement: 4

IV.1.4. Information about reduction of the number of solutions or tenders during negotiation or dialogue

Recourse to staged procedure to gradually reduce the number of solutions to be discussed or tenders to be negotiated

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: [2022/S 248-718797](https://eur-lex.europa.eu/eli/s/2022/s_248-718797)

IV.2.2. Time limit for receipt of tenders or requests to participate

Date: 28/04/2023 Local time: 14:00

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

English

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

Duration in months: 6 (from the date stated for receipt of tender)

Section VI: Complementary information

VI.1. Information about recurrence

This is a recurrent procurement: no

VI.2. Information about electronic workflows

Electronic invoicing will be accepted

Electronic payment will be used

VI.3. Additional information

The application for prequalification must be submitted via Byggeprojekt [9628].

Questions during the prequalification must be submitted by using the question/answer function in Byggeprojekt. Questions should be submitted no later than 17.th of April 2023. The Client will no later than 20. of April 2023 release answers.

Ad II.1.5) and II.2.6) The estimated amount is the maximum amount which the Client can call off the Framework Agreement. The Client may choose to procure/purchase outside the Framework Agreement.

Ad IV.2.6) The validity of the final tender must be 6 month calculated from the deadline for submission of final tender.

Ad III.1.4) The Client must exclude applicants from participation in the procurement if the applicant is covered by the mandatory grounds for exclusion in the Danish Procurement Act section 134A-136. Please, notice that some of the voluntary grounds for exclusion are made mandatory by section 136. Furthermore, the Client will exclude applicants, if the applicant is covered by ground for exclusion section 137, sub-section 1, no 1, no. 2, and no. 3.

Please be aware of regulation 2022/576 of 8.th of April 2022, article 5k, by which public entities are not allowed to enter into contract with certain suppliers and individuals with connections to Russia. As part of the application the applicant must submit a declaration regarding sanctions against Russia.

Metroselskabet will request documentation for the information given in the ESPD. The documentation will be requested at the time of debriefing of the applicants for the prequalification. The Client will request the following documentation:

Economic and financial standing:

Auditor's report of the applicants financial standing

Technical and professional ability:

No documentation will be required.

Grounds for exclusion, except section 137, no.3:

For applicant registered in Denmark, a Serviceattest will be sufficient documentation. For applicants registered outside Denmark, please refer to <https://ec.europa.eu/tools/ecertis/#/homePage> for information on sufficient documentation for the mandatory and voluntary grounds for exclusion.

Grounds for exclusion, section 137 no 3:

If the applicant is a consortium/joint venture etc. a description of the composition of the consortium/joint venture must be submitted as part of the documentation and a statement declaring that the consortium/joint venture does not constitute an infringement of the Danish Competition Regulations (LBK no 360 of 04/03/2021) prior to the decision of award of contract.

The Client reserves the right to request an assessment made by an external legal adviser, documenting that the consortium/joint venture does not constitute an infringement of the Danish Competition Regulations (LBK no 360 of 04/03/2021) prior to the decision of award of contract.

VI.4. Procedures for review

VI.4.1. Review body

Official name: Danish Board of Complaints
Postal address: Nævnenes Hus, Toldboden 2
Town: Viborg
Postal code: 8800
Country: Denmark
E-mail: klfu@naevneshus.dk
Telephone: +45 72405600
Internet address: www.naevneshus.dk

VI.4.3. Review procedure

Precise information on deadline(s) for review procedures:

Pursuant to the Act on the Complaints Board for Public Procurement, complaints regarding not being of pre-qualification must be submitted to the Danish Complaints Board for Public Procurement within 20 calendar days from the date after sending a notification to the affected applicants about who has been prequalified, cf. section 1, if this notification contains a brief explanation of the decision in accordance with section 2, subsection 1, no. 1. the relevant reasons for the decision. Other complaints must be submitted to the Complaints Board for Public Procurement no later than 45 calendar days after the publication of notices of concluded contracts in the Official Journal of the European Union.

At the latest at the same time as a complaint is submitted to the Complaints Board for Public Procurement, the complainant must notify the Client in writing that the complaint is being submitted to the Complaints Board for Public Procurement and whether the complaint has been submitted during the standstill period, cf. section 6, subsection of the act. 4. In cases where the complaint has not been submitted during the standstill period, the complainant must also indicate whether suspensive effect of the complaint is requested, cf. section 12, subsection of the Act. 1.

The e-mail address of the Complaints Board for Public Procurement is given in point VI.4.1). The Complaints Board for Tenders' complaint guidance can be found at <https://naevneshus.dk/start-din-klage/klagenaevnet-for-udbud/vejledning/>

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

Official name: Competition and Consumer Agency
Postal address: Carl Jakobsens 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

28/03/2023