

Germany-Hamburg: Construction supervision services
OJ S 113/2014 14/06/2014
Contract notice – utilities
Services

Directive 2004/17/EC

Section I: Contracting entity

I.1. Name and addresses

Official name: Sandbank 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: Sandbank Offshore Wind GmbH c/o Vattenfall GmbH

Postal address: Überseering 12

Town: Hamburg

Postal code: 22297

Country: Germany

For the attention of: 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

Foundation surveillance/ Client representation for the fabrication of offshore wind farm foundations.

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: Fabrication Location of Manufacturers
NUTS code DE6 Hamburg

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)

Fabrication surveillance on behalf of SBOW including the provision of services and personnel to monitor all aspects of the production of 72 Monopiles (MP) and Transition Pieces (TP).

II.1.6. CPV code(s)

71520000 Construction supervision 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: yes

Tenders may be submitted for one or more lots

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 works for the fabrication surveillance of 72 Monopiles and Transition Pieces includes the following:

- Review and comment on fabricator's documentation (e.g. Inspection and Test Plan, Welding Procedure Specifications, Welding Procedure Qualification Records, Quality Plans, HSSE plans) as requested by the Employer;
- Monitor foundation fabrication of foundations in Rostock and Aalborg including welding, Non-Destructive Testing (NDT), corrosion protection, electrical and mechanical fit-out, transport and lifting activities at intervals as requested by the Employer;
- Monitor compliance of foundation fabrication with the Contract, Contractor's documentation, relevant standards and regulations;
- Verify material certification and monitor traceability of material;
- Verify competency of fabricator's operatives;
- Monitor and evaluate the Contractor's dimensional control;
- Carry out reporting including daily, weekly and monthly report;
- Liaise with Contractor's personnel and Contractor's project management team;
- Liaise with Certification Authority personnel on Site;
- Monitor HSE on Site;
- Hold and participate in site meetings;
- Visit and audit the suppliers and/ or sub-contractors of the Fabricators as requested by the Employer;
- Be proficient in the Conditions of fabrication Contract and accompanying Employer's Requirements;

The Employer wishes to engage with a Contractor or Contractors who can provide expert services for the monitoring of the fabrication of offshore wind foundations. The monitoring activities shall be carried out by qualified, experienced and competent personnel who will pro-actively work together with the Employer, the Contractors and the Certifying Authority. The

Contractor's personnel shall ensure that the foundations are fabricated in accordance to the Contract and relevant standards by carrying out monitoring of the fabrication process and pro-actively identifying defects and/ or production issues and relating these matters back to the Employer. The Contractor shall further act as point of contact for the Certifying Authority personnel and Contractor's personnel.

II.2.2. Information about options

Options: yes

Description of options: Option: Possible extension of Contract duration.

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 2.10.2014 Completion 31.12.2015

Information about lots

Lot No: 1

Lot title: Lot 1

1) Short description

Lot 1: Primary and Secondary Steel construction.

2) CPV code(s)

71520000 Construction supervision services

3) Quantity or scope

Lot 1: Primary and Secondary Steel construction.

Lot No: 2

Lot title: Lot 2

1) Short description

Lot 2: Corrosion Protection.

2) CPV code(s)

71520000 Construction supervision services

3) Quantity or scope

Lot 2: Corrosion Protection.

Lot No: 3

Lot title: Lot 3

1) Short description

Lot 3: Electrical fit-out.

2) CPV code(s)

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3) Quantity or scope

Lot 3: Electrical fit-out.

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 sence 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 other information.

III.2.3. Technical and professional ability

List and brief description of conditions: Information and formalities necessary for evaluating if requirements are met (if applicable):

1. References (not older than 5 years) for the services as requested under II.1.5) and II.2.1) including detailed information of the following (for the lot the applicant is applying for):

a) Detailed information of services provided for the fabrication surveillance of Monopile and Transition Piece foundations for offshore wind farm projects (one point for each reference, max. 5 points); or

b) Detailed information of services provided for fabrication surveillance for projects of comparable complexity (one point for each reference, max. 5 points).

2. Information on the applicant's Health Safety and Environment management system (including statistics about accidents or lost time incidents for a period of the last 3 years).

3. Organisation chart of the company including CV's of all personnel proposed for the contract.

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)

Payable documents: no

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

14.7.2014

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

A. Formal

1. The participation application and the corresponding confirmations/declarations /documentation must be made in writing in English language and additional electronic on a data carrier (USB/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 in 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 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 four-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.
4. In case that, as an result of the examination more than 5 applicants will meet the required demands, the awarding authority reserves the right to send out the invitation to tender (ITT) to the most suitable applicants in consideration of the following qualification criteria:
 - All required information, declarations and confirmation designated as “other information” will be evaluated each with 1 point if submitted; otherwise with 0 points.
 - Information, declaration and confirmation regarding references III.2.3)a) will be evaluated in total with 5 points by the awarding authority.
 - Information, declaration and confirmation regarding references III.2.3)b) will be evaluated in total with 5 points by the awarding authority, so max. 10 point will be available for III.2.3)

Technical capacity.

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

The selection of applicants will follow the ranking as a summary of the awarded scores. The Awarding Authority reserves the right in the case that more than 5 applicants fulfil the requirements to select the five best applicants based on the ranking list. The higher the rank, the better.

C. Conditions relating to the contract.

1. The contract award is subject to approval by the corporate bodies of the awarding authority (i.e. Board of Directors of Vattenfall AB) (organ reservation).
2. The contract award 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 contract award 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.

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 Wettbewerbsbeschränkungen; 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

10.6.2014