

Denmark-Copenhagen: Environmental services
OJ S 87/2022 04/05/2022
Contract notice
Services

Legal Basis:

Directive 2014/24/EU

Section I: Contracting authority

I.1. Name and addresses

Official name: Energistyrelsen (Danish Energy Agency)

National registration number: 59778714

Postal address: Carsten Niebuhrs Gade 43

Town: Copenhagen

NUTS code: DK01 Hovedstaden

Postal code: 1577 København V

Country: Denmark

Contact person: Tina Schøn, Henrik Sulsbrück

E-mail: tnsn@ens.dk

Telephone: +45 31772831

Internet address(es):

Main address: <https://ens.dk/ansvarsomraader/ccs-fangst-og-lagring-af-co2>

I.3. Communication

The procurement documents are available for unrestricted and full direct access, free of charge, at: http://eu.eu-supply.com/app/rfq/rwlenrance_s.asp?PID=323067&B=KEFM

Additional information can be obtained from the abovementioned address

Tenders or requests to participate must be submitted electronically via: http://eu.eu-supply.com/app/rfq/rwlenrance_s.asp?PID=323067&B=KEFM

Tenders or requests to participate must be submitted to the abovementioned address

I.4. Type of the contracting authority

Ministry or any other national or federal authority, including their regional or local subdivisions

I.5. Main activity

Other activity: The Danish Energy Agency is responsible for production, delivery and use of energy, as well as efforts to pursue reductions of greenhouse gas emissions.

Section II: Object

II.1. Scope of the procurement

II.1.1. Title

Tender for Contract on subsidy for carbon capture, transport and storage

II.1.2. Main CPV code

90700000 Environmental services

II.1.3. Type of contract

Services

II.1.4. Short description

With the Danish Climate Agreement for Energy and Industry of 22 June 2020, a majority of the Danish Parliament decided that carbon capture and storage is to be an important element in achieving Denmark's climate policy objectives. This prompted the setting up of technologically neutral and market-based funds (CCUS funds) of DKK 16 billion scheduled for deployment between 2024-2048. The funds are deployed in two phases. This tender concerns the first phase.

The DEA considers the deployment of funds for the first phase and conclusion of the contract to be a subsidy scheme encompassed by the European Commission's Guidelines on State aid for climate, environmental protection and energy 2022. The designation of the contract as a services contract in section II.1.3) etc. does not change this. The competitive bidding process for the first phase will be conducted as a negotiated procedure in accordance with the rules and principles of section II of the Danish Public Procurement Act.

II.1.5. Estimated total value

Value excluding VAT: 8 168 000 000,00 DKK

II.1.6. Information about lots

This contract is divided into lots: no

II.2. Description

II.2.2. Additional CPV code(s)

90720000 Environmental protection

II.2.3. Place of performance

NUTS code: DK Danmark

Main site or place of performance: Denmark

II.2.4. Description of the procurement

The DEA wishes to enter into one Contract pursuant to which the recipient of the subsidies ("the Operator") shall ensure and be responsible for capture, transportation and permanent storage of CO₂ ("the Contract").

The funds are intended to provide subsidy for carbon capture and storage on flue gasses emitted by incineration. The funds are not intended to provide subsidy for carbon capture and storage on biogenic sources emitted without incineration. See https://kefm.dk/Media/637750803075155837/Faktaark_Tilskudspuljer%20til%20fangst%20og%20lagring%20af%20CO%E2%82%82_V02.pdf. The funds are not intended to provide subsidy for carbon emissions that originate from flaring related to oil and gas production in the Danish North Sea. As described in the tender documents the Operator shall ensure that the CO₂ reductions equate to a minimum quantity of 0.4 MTA captured and permanently stored CO₂ per year starting with year 2026. The Operator may also capture and permanently store CO₂ from start of operation until 31 December 2025, and/or capture and permanently store additional quantities of CO₂ from 1 January 2026. The Operator may deliver the reductions with one point source, a combination of point sources or a portfolio of several point sources.

The subsidy will be paid per ton CO₂ captured and permanently stored.

If the Operator achieves a larger quantity of reductions than the guaranteed quantity in any given year, the Operator may receive subsidy for such larger quantity if and to the extent that there are available funds within the limit of the yearly maximum allocated subsidy.

In addition to the CO₂ reductions, it is expected that the Operator shall deliver various documentation and reporting and make available various information/knowledge, data, etc. to the DEA and to third parties.

The Contract is expected to have a duration of approx. 20-21 years of operation (in addition to the prior pre-construction and construction phases), unless terminated earlier in accordance with the terms set out in the Contract.

The DEA will notify the funds to the European Commission as an aid scheme in accordance with the procedure prescribed by Article 108 of the Treaty on the Functioning of the European Union and the deployment of the funds is dependent on the European Commission's prior approval. The tender procedure, including the award of the Contract, is conducted subject to the necessary legislative changes. See further the Tender Specifications, paragraph 3.

The DEA expects that an information meeting prior to the deadline for requests for participation will be held 20 May 2022, at the address specified in section I.1). Candidates interested in participating in the meeting are asked to sign up via the electronic tendering system not later than 3 days before the meeting with indication of name of business and number of participants. The DEA may reduce the number of participants per business. The DEA will draw up brief minutes of the information meeting which will be published via the electronic tendering system.

The negotiation process is expected to be conducted with one negotiation round. See further the Tender Specifications and Appendix B.

See the Tender Specifications, paragraph 9, regarding the requirement methodology. It is emphasized that all requirements that are not Minimum Requirements may be subject to negotiation and may be changed or withdrawn according to the DEA's decision. Thus, the DEA encourages all economic operators who can comply with the Minimum Requirements (and fulfil the minimum requirements for participation, see sections III.1.2) and III.1.3)) to apply for prequalification, even if the economic operator cannot comply with all General Requirements. Also see the Tender Specifications, Appendix B, regarding the expected topics for negotiation.

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: 8 168 000 000,00 DKK

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

Duration in months: 252

This contract is subject to renewal: no

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

Envisaged number of candidates: 5 Objective criteria for choosing the limited number of candidates:

If more than 5 candidates fulfill the minimum requirements, cf. section III.1.2) and III.1.3) and are not covered by any of the applicable exclusion grounds, cf. section VI.3), the selection of candidates invited to tender will be based on an evaluation of the following criteria:

- Which candidates have demonstrated the most relevant experiences with CCS activities (carbon capture, transport and storage), such as demonstration projects, pilot projects and research projects. In the assessment of which candidates have documented the most relevant experiences, the extent to which the experiences, in total, document relevant experience with carbon capture, transport and/or storage will be considered. The candidates shall document their fulfilment of the criterion by providing a list with descriptions of their experiences with CCS activities. The description should include: project title, purpose, total budget for the project, start and end date and description of scope, content and result of the project. The

description shall not exceed 30,000 characters including spaces. If the description exceeds 30,000 characters, the DEA will base its assessment on the first 30,000 characters.

- Which candidates have demonstrated the most relevant experiences with acquiring and establishing plants and/or modifying or expanding plants and commissioning hereof. The plant (s) or the modification/expansion of the plant(s) must have been commissioned in the latest 10 years before the expiry of the deadline for application for prequalification. In the assessment of which candidates have documented the most relevant experiences, emphasis will be put on the scope (value) of the acquisition and establishment / the modification or expansion of the plant (s). The candidates shall document their fulfilment of the criteria by providing a list with descriptions of such acquisitions and establishments, modifications / expansions and commissioning of plants. The description should include: name of the plant, purpose, total budget and nature of the acquisition and establishment, modification / expansion, and commissioning date. The description shall not exceed 30,000 characters including spaces. If the description exceeds 30,000 characters, the DEA will base its assessment on the first 30,000 characters.

The candidate must submit information regarding the candidate's fulfillment of the abovementioned selection criteria in the ESPD, part V.

The ESPD serves as provisional documentation that the candidate fulfils the selection criteria. Before the award decision is made, the tenderer to whom the DEA intends to award the Contract must submit documentation that the information stated in the ESPD is accurate. No additional documentation of the selection criteria will be required from the candidate. However, the DEA reserves the right to contact the candidate or relevant third parties for verification of the information stated in the descriptions.

II.2.10. Information about variants

Variants will be accepted: no

II.2.11. Information about options

Options: no

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 II.1.5) and II.2.6): This is the maximum available subsidy for the entire duration of the Contract (subject to indexation). Section II.2.7): The Contract is expected to have a duration of approx. 20-21 years (240-252 months) of operation (in addition to the prior pre-construction and construction phases). Section II.2.9): Each candidate may only submit one application for prequalification.

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:

The candidate must submit the ESPD, part IV, section B, with the following information:

- The candidate's equity ratio in the three latest financial years available.
- The candidate's total annual turnover in the three latest financial years available.

If the candidate relies on the economic and financial capacity of other entities in relation to the fulfilment of minimum requirements, see below, the candidate must submit a letter of

commitment, and the candidate and the entities in question will be required by the DEA to undertake joint and several liability for the performance of the Contract. The form is enclosed as an Appendix to the Tender Specifications.

The ESPD serves as provisional documentation that the candidate fulfils the minimum suitability requirements in respect of economic and financial standing.

Before the award decision is made, the tenderer to whom the DEA intends to award the Contract must submit documentation that the information stated in the ESPD is accurate. The DEA intends to ask the candidates to provide documentation for their fulfillment of the minimum requirements concerning financial and economic standing after prequalification. Upon the DEA's request, the following documentation of economic and financial capacity must be submitted:

The candidate's audited annual reports/financial statements or excerpts thereof for the three latest financial years, where publication of annual reports/financial statements is required under the law of the country in which the candidate or tenderer is established and depending on when the candidate was established or commenced its activities or any other documentation which the DEA deems to be appropriate where the candidate is unable to present the documents requested by the DEA for a valid reason.

Minimum level(s) of standards possibly required:

- As a minimum requirement, an average equity ratio of at least 20 % is required based on the three latest annual reports/financial statements available at the deadline for submitting requests for participation, cf. section IV.2.2). The equity ratio is calculated as the candidate's total equity divided by the candidates's total assets, calculated as a percentage. The equity to total assets ratio is thus calculated as $(\text{total equity}/\text{total assets}) \times 100 = \text{equity ratio}$. The information is to be stated in section IV.B of the ESPD.

- As a minimum requirement, an average total annual turnover of at least DKK 750 million is required based on the three latest annual reports/financial statements available at the deadline for submitting requests for participation, cf. section IV.2.2). The information is to be stated in section IV.B of the ESPD.

If the candidate is the parent company of a group of companies (i.e. the same legal group) the turnover and equity ratio shall be based on the financial figures of the consolidated financial statement of the group of companies. "The same legal group" shall be defined as entities covered by directive 2013/34/EU (directive on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings) art. 22 (1).

If the candidate is an intermediate parent company (i.e. the parent company of a 'sub-group' of companies) or the candidate is relying on the economic and financial capacity of such an intermediate parent company, the turnover and equity ratio shall be based on the financial figures of the consolidated financial statement of the 'sub-group' of companies.

If the candidate is relying on the capacity of one or more entities, the turnover and equity ratio will be calculated based on the combined financial figures of the candidate and the supporting entities. This means that the equity ratio is calculated as an average of the combined total equity of the candidate and such other entities divided by their combined total assets for the three latest annual reports/financial statements available, calculated as a percentage, and the turnover is calculated as the average combined total turnover of the candidate and such other entities for the three latest annual reports/financial statements available. If the candidate and the supporting entity/entities have consolidated financial statements, the calculations of the turnover and ratio will be based on such consolidated financial statements. The candidate and supporting entities should provide the information necessary in the ESPD, part IV, section B, to allow for correct calculations.

If the candidate is a group of economic operators (e.g., a consortium), the turnover and equity ratio will be calculated based on the combined financial figures of the participating economic

operators. This means that the equity ratio is calculated as an average of the combined total equity of the operators divided by their combined total assets for the three latest annual reports /financial statements available, calculated as a percentage, and the turnover is calculated as the combined total turnover of the operators for the three latest annual reports/financial statements available. If any of the participating economic operators (in the consortium) have consolidated financial statements, the calculations of the turnover and equity ratio will be based on such consolidated financial statements. The economic operators in question should provide the information necessary in the ESPD, part IV, section B, to allow for correct calculations.

III.1.3. Technical and professional ability

List and brief description of selection criteria:

The candidate must submit the ESPD, part IV, section C, with the following information:

- A statement of the plant or plants available to the candidate for carrying out the Contract.

The statement shall include: name of the plant or plants, address of the plant or plants, the name of the plant(s)' production unit (in Danish: "Produktionsenhed") and its registration number (in Danish: "Produktionsenhedsnummer" og "P-nummer"), name and business registration number for the legal entity of the owner(s) of the plant(s), and the annual carbon emission from the plant(s).

The ESPD serves as provisional documentation that the candidate fulfils the minimum suitability requirements in respect of technical and professional ability.

Before the award decision is made, the tenderer to whom the DEA intends to award the Contract must submit documentation that the information stated in the ESPD is accurate.

No additional documentation of technical and professional capacity will be required from the candidate. However, the DEA reserves the right to contact the candidate or relevant third parties for verification of the information stated in the statement.

Minimum level(s) of standards possibly required:

As a minimum requirement, the plant or plants available to the candidate for carrying out the Contract must have had a total carbon emission emitted by incineration of at least 0,4 MT CO₂ in 2021. The carbon emissions must count in the Danish National Inventory Report, or be deductible in the Danish National Inventory Report by future use of carbon capture and storage. The carbon emissions must not originate from flaring related to oil and gas production in the Danish North Sea.

III.2. Conditions related to the contract

III.2.2. Contract performance conditions

The Contract includes requirements regarding the following:

- Corporate social responsibility (CSR), requirements pursuant to ILO Convention no. 94 on labour clauses in public contracts and Circular no. 9471 of 30 June 2014 and social clauses on training and apprenticeship agreements

- If the Contract is awarded to a group of operators (e.g. a consortium), the participants of the group must undertake joint and several liability and appoint a joint representative.

- If the Operator relied on the economic and financial capacity of one more more entities for the purpose of prequalification, any such entity shall be jointly and severally liable with the Operator.

Section IV: Procedure

IV.1. Description

IV.1.1. Type of procedure

Competitive procedure with negotiation

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

IV.1.5. Information about negotiation

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 046-119585](#)

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

Date: 10/06/2022 Local time: 13:00

IV.2.3. Estimated date of dispatch of invitations to tender or to participate to selected candidates

Date: 24/06/2022

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

Participation in the tender procedure may only take place by electronic means via the electronic tendering system, see the address set out in section I.3). For access to the tender documents, the candidate must be registered or register as a user.

If the application contains several versions of the same document, the latest uploaded version will apply.

All communication in connection with the tender procedure, including questions and answers, must take place through the electronic tendering system. Questions regarding prequalification must be submitted not later than 1 June 2022. Questions submitted after this date will be answered if they are received in time for the DEA communicate the answers not later than six days before expiry of the application deadline. Questions received later than six days before expiry of the deadline cannot expect to be answered unless the deadline is also postponed. Interested operators are requested to keep updated via the electronic tendering system. If the candidate encounters problems with the system, contact support on dksupport@eu-supply.com or (+45) 70208014.

The candidate must as its application submit an ESPD as preliminary documentation of the circumstances set out in section 148(1), paras 1-3 of the Danish Public Procurement Act. It is

not necessary for the candidate to sign the ESPD document. For groups of economic operators (e.g. a consortium), a separate ESPD must be submitted for each participating operator, and the ESPD must be signed by each operator. The candidate heading the group and submitting the application is not required to sign its ESPD document. If the candidate relies on the capacities of other entities, an ESPD must be submitted for and signed by each of the entities on which it relies.

Refer to “Guide to the ESPD – How to complete in Digitale Udbud” for information on how to complete the ESPD.

The candidate may rely on the technical and/or financial capacity of other operators to fulfil the minimum suitability requirements stated in section III.1.2) and III.1.3), and for the purpose of selection, see section II.2.9). The entity/entities making its/their technical and/or financial capacity available to the candidate must sign a letter of commitment. The candidate must also submit a letter of commitment in which the entity/entities on which the candidate relies in regards for financial capacity has/have undertaken joint and several liability with the candidate if the candidate is awarded the contract. A form for such letters is enclosed as an Appendix to the Tender Specifications. The candidate is requested to submit the letter of commitment with its application for prequalification.

If the candidate relies on the professional qualifications or professional experience of other entities for the performance of specific parts of the services comprised by the Contract, see section II.2.4), such specific parts of the services under the Contract must be performed by the entity on which the candidate relies.

The candidate will be excluded from participation in the tender procedure if the candidate is subject to the compulsory grounds for exclusion set out in sections 135 and 136 of the Danish Public Procurement Act, and the exclusion grounds stated in the Danish Public Procurement Act, section 137(1), para 2 and para 7, unless the candidate has submitted sufficient documentation of its reliability in accordance with section 138 of the Danish Public Procurement Act.

Before the award decision is made, the tenderer to whom the DEA intends to award the Contract must provide documentation of the information submitted in the ESPD pursuant to sections 151-152, cf. section 153 of the Danish Public Procurement Act.

The DEA may use the procedure of section 159(5) of the Danish Public Procurement Act in the event that applications or tenders do not comply with the requirements of the tender documents.

The DEA will pay no remuneration for participation in the tender.

VI.4. Procedures for review

VI.4.1. Review body

Official name: Klagenævnet for Udbud

Postal address: Nævnenes Hus, Toldboden 2

Town: Viborg

Postal code: 8800

Country: Denmark

E-mail: klfu@naevneshus.dk

Telephone: +45 72405600

Internet address: <https://klfu.naevneshus.dk/>

VI.4.3. Review procedure

Precise information on deadline(s) for review procedures:

Pursuant to the Danish Act on the Complaints Board for Public Procurement, etc. (lov om Klagenævnet for Udbud m.v.) (the Act is available (in Danish) at www.retsinformation.dk), the following deadlines apply to the lodging of complaints:

Complaints for not having been selected must be submitted to the Danish Complaints Board for Public Procurement before the expiry of 20 calendar days, see section 7(1) of the Act, from the day after submission of notification to the candidates concerned of the identity of the successful tenderer where the notification is accompanied by an explanation of the grounds for the decision in accordance with section 2(1), para (1) of the Act and section 171(2) of the Danish Public Procurement Act.

Other complaints of award procedures, see section 7(2) of the Act, must be lodged with the Danish Complaints Board for Public Procurement before the expiry of:

1) 45 calendar days after the DEA has published a notice in the Official Journal of the European Union that the DEA has entered into a contract. The deadline is calculated from the day after the day when the notice was published.

Not later than at the time of lodging a complaint with the Danish Complaints Board for Public Procurement, the complainant must notify the DEA in writing that a complaint has been lodged with the Danish Complaints Board for Public Procurement and whether the appeal was lodged during the standstill period, see section 6(4) of the Act. In cases where the complaint was not lodged within the standstill period, the complainant must furthermore indicate whether a suspensory effect of the complaint has been requested, see section 12(1) of the Act.

The e-mail address of the Complaints Board for Public Procurement is set out in section VI.4.1.

The Complaints Board's own complaints procedure is available at <https://naevneneshus.dk/start-din-klage/klagenaevnet-for-udbud/vejledning/>

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

Official name: Konkurrence- og Forbrugerstyrelsen

Postal address: Carl Jacobsens Vej 35

Town: Valby

Postal code: 2500

Country: Denmark

E-mail: kfst@kfst.dk

Telephone: +45 41715000

Internet address: <http://www.kfst.dk>

VI.5. Date of dispatch of this notice

29/04/2022