

**Germany-Berlin: Meters**  
**OJ S 131/2016 09/07/2016**  
**Contract notice – utilities**  
**Supplies**

**Directive 2004/17/EC**

**Section I: Contracting entity**

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**I.1. Name and addresses**

Official name: Vattenfall Europe Metering GmbH  
Postal address: Wilhelm-von-Siemens-Str 2-10  
Town: Berlin  
Postal code: 12277  
Country: Germany  
Contact person: Abt. Einkauf  
For the attention of: nadine.doerre@vattenfall.de

**Internet address(es):**

General address of the contracting entity: [www.vattenfall.de](http://www.vattenfall.de)

**Additional information can be obtained from:**

Official name: Vattenfall Europe Business Services GmbH  
Postal address: Puschkinallee 52  
Town: Berlin  
Postal code: 12435  
Country: Germany  
For the attention of: Nadine Dörre  
E-mail: [nadine.doerre@vattenfall.de](mailto:nadine.doerre@vattenfall.de)  
Internet address: <http://vattenfall.de>

**Specifications and additional documents (including documents for a dynamic purchasing system) can be obtained from:**

Official name: Internetportal Deutsche eVergabe  
Postal address: Wilhelm-von Siemens-Str.2-10  
Town: Berlin  
Country: Germany  
For the attention of: Nadine Dörre  
Internet address: <https://root.deutsche-evergabe.de/portal/>

**Tenders or requests to participate must be submitted:**

Official name: Internetportal Deutsche eVergabe  
Postal address: Wilhelm-von Siemens-Str.2-10  
Town: Berlin  
Country: Germany  
For the attention of: Nadine Dörre  
Internet address: <https://root.deutsche-evergabe.de/portal/>

**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**

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## **II.1. Description**

### **II.1.1. Title attributed to the contract by the contracting entity**

Delivery of modern meter (moMe 2017).

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

Supplies

Purchase

NUTS code DE300 Berlin

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

The procurement involves the establishment of a framework agreement

### **II.1.4. Information about framework agreement**

Framework agreement with several operators

Maximum number envisaged maximum number of participants to the framework agreement  
: 6

#### **Duration of the framework agreement**

Duration in years: 1

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

Delivery of electrical meters in sense of " Messstellenbetriebsgesetz — Entwurf" and in accordance with technical specification "Electricity meter / Modern Meter" of Vattenfall Europe Metering GmbH.

The entire scope is divided into three lots. The awarding is made by lot. Applications may be submitted for one, two or all lots. Applying to all three lots is desirable but not mandatory. For each lot it is intended to award two framework contracts.

### **II.1.6. CPV code(s)**

38550000 Meters, 38551000 Energy meters, 38554000 Electricity meters

### **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: 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**

In total 100.000 meters/year (see detailed information per lot).

### **II.2.2. Information about options**

Options: no

### **II.2.3. Information about renewals**

This contract is subject to renewal: yes

Number of possible renewals: 1

In the case of renewable contracts, estimated time-frame for subsequent calls for competition:

in months: 12 (from the award of the contract)

### **II.3. Duration of the contract or time limit for completion**

Information about lots

Lot No: 1

Lot title: 60a plug-in

**1) Short description**

Electronical meters 60A plug-in technology in sense of ' Messstellenbetriebsgesetz — Entwurf' and in accordance with technical specification 'Electricity meter /Modern Meter' of Vattenfall Europe Metering GmbH.

**2) CPV code(s)**

38550000 Meters, 38551000 Energy meters, 38554000 Electricity meters

**3) Quantity or scope**

40.000 pc/a.

Lot No: 2

Lot title: 60A, single phase, 3pm

**1) Short description**

Electronical meters, 60A, single phase meter with three-point mounting in sense of " Messstellenbetriebsgesetz — Entwurf" and in accordance with technical specification "Electricity meter / Modern Meter"" of Vattenfall Europe Metering GmbH.

**2) CPV code(s)**

38550000 Meters, 38551000 Energy meters, 38554000 Electricity meters

**3) Quantity or scope**

40.000 pc/a.

Lot No: 3

Lot title: 60A, three phase, 3pm

**1) Short description**

Electronical meters, 60A, single phase meter with three-point mounting in sense of " Messstellenbetriebsgesetz — Entwurf" and in accordance with technical specification "Electricity meter / Modern Meter"" of Vattenfall Europe Metering GmbH.

**2) CPV code(s)**

38550000 Meters, 38551000 Energy meters, 38554000 Electricity meters

**3) Quantity or scope**

20.000 pc/a.

### **Section III: Legal, economic, financial and technical information**

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#### **III.1. Conditions related to the contract**

##### **III.1.1. Deposits and guarantees required**

- Indemnity insurance (for details, see contract document)
- Warranty (for details, see contract documents).

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

See contract documents (Payment must be effected in EUR. Quotations must be submitted free from costs).

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

Bidding consortia are permitted provided that the bidders declare that the formation of the bidding consortium does not constitute an offence under Section 1 of the Act against Restraints of Competition (GWB) (self-declaration). Consortia can only be formed up to the submission of bids. The bid must be signed by all members of the bidding consortium. A lead member is to be appointed. Their powers must be specified. The notice from the bidding consortium must state that the bidding consortium is set up with joint and several liability.

### **III.1.4. Contract performance conditions**

#### **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: (See further notes under VI.3).

Together with the participation request, the bidder must also submit proof of compliance with the following conditions, in German and in written form, (every bidder and every member of a bidding consortium must submit the documents mentioned in III.2.1):

Register A)

Covering letter presenting the company and its complete group structure (including ownership).

Register B) [minimum requirement]

Current entry in the professional or trade register of the country of origin or submission of written confirmation of this.

Register C) [minimum requirement]

Current evidence from the tax authority of payment of taxes or equivalent written confirmation from the country of origin or provenance.

Register D) [minimum requirement]

Current evidence from the social insurance agency of payment of health insurance premiums, accident insurance premiums and pension contributions or equivalent written confirmation from the country of origin or provenance.

Register E) [minimum requirement]

Extract from the Register of Companies.

Register F) [minimum requirement]

Declaration of mandatory and facultative exclusion criteria within the meaning of Sections 123 and 124 of the Act against Restraints on Competition (GWB), Section 21 of the Act on Posting of Workers (AEntG) and Section 19 of the Minimum Wage Act (MiLoG). The applicant should use the form available in 'Deutsche eVergabe'.

Register G) [minimum requirement]

Declaration by the Bidder that they have read and understood Vattenfall's Code of Conduct for Suppliers. The Code can be found under:

'Our Code of Conduct for suppliers'

<http://corporate.vattenfall.de/uber-uns/beziehungen-zu-lieferanten/>

The Tenderer further declares that they will provide their services in accordance with the UN Global Compact principles and undertakes to ensure at all times that the provision of their services and those of their suppliers/subcontractors comply with and respect these principles. The Bidder declares that no deviations from the UN Global Compact apply to them or to any supplier/subcontractor engaged by them for the provision of services.

### III.2.2. Economic and financial ability

List and brief description of conditions: (See further notes under VI.3). Every bidder and every member of a bidding consortium must submit the documents mentioned in Section III.2.2 of the notice.

The evidence mentioned in III.2.2), Register J) and K) of the notice need only be submitted once by each bidder or bidding consortium.)

Register H)

Current statement by a commercial bank of the Bidder concerning the financial situation (e.g. length of commercial relationship), creditworthiness (e.g. evident overindebtedness) and solvency.

Register I)

Submission of a current credit report.

Register J) [minimum requirement]

Proof of the existence of liability insurance with a minimum limit of indemnity of EUR 1 million for property damage and a minimum limit of indemnity of EUR 250 000 for financial loss.

Register K)

Indication of the financial and economical capacity for the last 3 closed financial years. For each year state:

1. Total turnover of the company
2. Turnover relating to deliveries similar to those covered by the tender
3. Amount and delivery country of delivered meters.

### III.2.3. Technical and professional ability

List and brief description of conditions: Register L)

Reference information about similar deliverables for the years 2013, 2014, 2015 (date of delivery) considering conditions of the lots

(References that include a quantity less than 1 000 meters will not be evaluated either).

Reference L1 for Lot 1) Delivery of electronic electricity EDL21-meter plug-in technology in accordance with FNN-Specification. FNN Specification could be download on [https:// www.vde.com/de/fnn/arbeitsgebiete/messwesen/ms2020/seiten/ms2020dokumente.aspx](https://www.vde.com/de/fnn/arbeitsgebiete/messwesen/ms2020/seiten/ms2020dokumente.aspx)

For each reference, the following information is needed:

- Assignment to a lot
- Ordering company (Customer),
- Year of reference
- Volume of orders (number of units)
- Contact information of the ordering company

Reference L2 for Lot 2) Delivery of electronic electricity EDL21-meter (60A single phase meter, three-point mounting) in accordance with FNN Lastenheft.

For each reference, the following information is needed:

- Assignment to a lot
- Ordering company (Customer),
- Year of reference
- Volume of orders (number of units)
- Contact information of the ordering company

Reference L3 for Lot 3) Delivery of electronic electricity EDL21-meter (60A three-phase meter, three-point mounting) in accordance with FNN Lastenheft.

For each reference, the following information is needed:

- Assignment to a lot
- Ordering company (Customer),
- Year of reference
- Volume of orders (number of units)
- Contact information of the ordering company

The contracting entity is entitled to take into account their own experience with the Bidders in similar projects the lots tendered for. If negative experiences demonstrably exist, the contracting entity may invite the Bidder to a face-to-face meeting to discuss the situation. If the Bidder is unable to demonstrate their ability in the course of this meeting, despite the contracting entity's own bad experiences, the contracting entity is entitled to rule out the Bidder as unfit.

Register M) [minimum requirement]

Evidence of a quality management system according to DIN EN ISO 9001 certification or equivalent certificates from institutes of other member states of European union by submitting a copy.

In the latter case, a detailed description of the quality assurance system in the company must be submitted. This description should

show the equivalence of a quality management system in accordance with DIN EN ISO 9001.

Register N)

'Supplier Questionnaire' (attached as form in 'Deutsche eVergabe') and confirmed by signature. The document should not be older than 3 months after publication of the contract notice.

Register O) [minimum requirement]

Proof of an existing and valid MID certificate for the advertised delivery per lot (certificate must be proven) by submitting a copy.

Register P) [minimum requirement]

Self-declaration or confirmation that the applicant already yet has a corresponding electronic meter (according to the advertised scope)

and could be deliver two samples for functionality and quality check in case of tender-phase.

Register Q) [minimum requirement]

Confirmation by the bidder by self-declaration, that they are able to

a) perform the contract, including all documentation and correspondence (e.g. ordering process, complaint process, etc.), in German.

b) deliver descriptions for the requested products in the German (especially: requested by EnWG, MessEG, manual, technical description);

Register R)

Description, which legal person are involved in whole delivery process under observance of MID Directive 2004/22/EG Article 4 d, 4e and 4g.

### **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**

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### **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**

Lowest price

##### **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**

2016001981

##### **IV.3.2. Previous publication concerning this procedure**

##### **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**

15.8.2016 - 12:00

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

German.

##### **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**

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##### **VI.1. Information about recurrence**

This is a recurrent procurement: no

##### **VI.2. Information about European Union funds**

##### **VI.3. Additional information**

A. Formalities applying to tenders

1. Tenders must be submitted in German and in written form electronically at: [https:// root.deutsche- evergabe. de/ portal/](https://root.deutsche-evergabe.de/portal/).

Use of the portal [deutsche-evergabe.de](https://root.deutsche-evergabe.de) is free of charge for applicants and bidders of Vattenfall projects.

Tenders to participate can be submitted there.

Tenders to participate by post, fax or e-mail will not be accepted.

2. The tender is to be divided in accordance with the numbering in Section III.2. and should contain the information requested in the respective sections. The contracting entity reserves the right to disregard information not contained in the sections specifically provided for this purpose. References to previous tenders will not suffice for the purpose of verification.

3. The term 'current' in Section III.2. means that the date of issue of the third-party confirmation in question must not be longer than 12 months prior to the date of publication in

the Official Journal of the EU.

4. The obligation to submit third-party confirmation does not apply if and insofar as no such register is kept or registration is unnecessary. The onus is on the bidder to prove and explain this.

5. For the purposes of Point 4 above, foreign bidders are still required to submit such third-party confirmation. Their equivalence must be proven. To this end, exhaustive presentation is expected. It should be pointed out here that the entire tender must be written in German, including the respective evidence and annexes. If an official document, reference information, etc. are not written in German, a literal translation by a sworn translator must be submitted.

6. Even as part of a bidding consortium, a bidder may rely on the capabilities of other companies in proving their qualification:

a) bidders wishing to avail themselves of such borrowed capability (not possible for reliability in accordance with Section III.2.1.), must name the subcontractors whose capability they are borrowing immediately and submit the relevant evidence for Sections III.2.1. to III.2.3. for the subcontractors together with the request to participate, this submission requirement being limited to the part of the

services to be provided by subcontractors. In this case, the subcontractor must prove that the bidder has been provided with the necessary resources.

b) Any other subcontractors (whose capability is not borrowed) need not be named in the request to participate initially and the proof in accordance with Sections III.2.1. to III.2.3. need not be submitted initially for the subcontractor. The proportion contracted out alone has to be indicated.

However, the contracting entity reserves the right to require other bidders/tenderers who are shortlisted for further participation in the process and plan to use subcontractors, before the end of the competitive bidding or throughout the rest of the process, to name such subcontractors and to submit the aforementioned evidence in respect of their share of the services.

7. The contracting entity reserves the right — without being required to do so — to demand declarations and evidence (including for the minimum requirements) at a later date. Moreover, the contracting entity reserves the right to demand a personal introduction to a bidder or to inspect the bidder's business or a reference project, e.g. in order to verify the validity of the self-declarations. The bidder is not entitled to make any additional demands or demand a personal introduction.

8. The contracting entity reserves the right — without being required to do so — following the selection of bidders and submission of tenders, if the situation so justifies, to carry out an audit of individual bidders in the form of sustainability risk assessments. Justification for this includes a situation where the bidder is based in a CSR high-risk country or its production facilities are situated there. A list of high-risk countries can be found under:

'CSR Country risk classification'

[http:// corporate. vattenfall. de/ uber- uns/ beziehungen- zu- lieferanten/](http://corporate.vattenfall.de/uber-uns/beziehungen-zu-lieferanten/)

If it is discovered in the course of such an audit that self-declarations issued by the bidder in the course of the tendering process are inaccurate, the contracting entity is entitled to exclude the bidder from further competition.

9. The contracting entity reserves the right to exclude applications which do not meet the minimum requirements and/or deadlines from the further process, without further checks.

10. By submitting the request to participate, the bidder declares that they agree to a change of contracting entity. The possibility cannot be ruled out that a different company may become the contracting entity in the course of the tendering process.

11. Questions are to be submitted exclusively via the eVergabe question-and-answer tool up to 7 calendar days before the Deadline for applying. Any questions received after this date will

be disregarded. The contracting entity will endeavour to answer promptly.

12. If and to the extent to which it is permitted by law, qualification criteria may also be demonstrated using a standard European self-declaration.

B) Check (Identifying companies that will be invited to tender)

The companies to be invited to tender shall be determined by a three-step process:

B.1. Formal check

B.2. Qualification check

B.3. Elimination

B.3.1 Elimination lot 1

If the number of qualified bidders exceeds the figure of 6, the 6 bidders who are to be invited to tender shall be selected according to the following evaluation programme:

The experience of the bidders in providing similar services to those included in the tender is assessed. For this purpose, the references L1 provided in accordance with this notice are assessed.

References relating to register L1 for delivery of electronic electricity EDL21-meter with plug-in technology in accordance with FNN specifications of the past 3 years. For the evaluation of the references, Vattenfall will only consider the 2 references per year with the highest delivery volume.

References that include a quantity less than 1 000 meters will not be evaluated either. If no reference could evaluate according to this scheme, the applicant will be excluded.

Amount greater than or equal to 30 000 meters = 5 points

Amount greater than or equal to 10 000 meters and less than 30 000 meters = 3 points

Amount greater than or equal to 1 000 meters and less than 10 000 meters = 1 point

The contracting entity will determine the points scored in each calendar year. Then the points will be added, so that each applicant can receive a maximum of 30 points.

The 6 bidders with the highest total score will be invited to tender for lot 1. The contracting entity reserves the right to adjust the number of 6 bidders up or down, without being required to do so.

B.3.2 Elimination lot 2

If the number of qualified bidders exceeds the figure of 6, the 6 bidders who are to be invited to tender shall be selected according to the following evaluation programme:

The experience of the bidders in providing similar services to those included in the tender is assessed. For this purpose, the references L2 provided in accordance with this notice are assessed.

References relating to register L2 for delivery of electronic electricity EDL21-meter (60A single phase meter, three-point mounting) in accordance with FNN Specification of the past 3 years. For the evaluation of the references, Vattenfall will only consider the 2 references per year with the highest delivery volume. References that include a quantity less than 1 000 meters will not be evaluated either. If no reference could evaluate according to this scheme, the applicant will be excluded.

Amount greater than or equal to 30 000 meters = 5 points

Amount greater than or equal to 10 000 meters and less than 30 000 meters = 3 points

Amount greater than or equal to 1 000 meters and less than 10 000 meters = 1 point

The contracting entity will determine the points scored in each calendar year. Then the points will be added, so that each bidder can receive a maximum of 30 points.

The 6 bidders with the highest total score will be invited to tender for lot 2. The contracting entity reserves the right to adjust the number of 6 bidders up or down, without being required to do so.

B.3.3 Elimination lot 3

If the number of qualified bidders exceeds the figure of 6, the 6 bidders who are to be invited

to tender shall be selected according to the following evaluation programme:

The experience of the bidders in providing similar services to those included in the tender is assessed. For this purpose, the references L3 provided in accordance with this notice are assessed.

References according to register L3 for delivery of electronic electricity EDL21-meter (60A three phase meter, three-point mounting) in accordance with FNN Specification of the past 3 years. The applicant must label the reference with year, number and lot. For the evaluation of the references, Vattenfall will only consider the 2 references per year with the highest delivery volume. References that include a quantity less than 1.000 meters will not be evaluated either. If no reference could evaluate according to this scheme, the applicant will be excluded.

Amount greater than or equal to 30 000 meters = 5 points

Amount greater than or equal to 10 000 meters and less than 30 000 meters = 3 points

Amount greater than or equal to 1 000 meters and less than 10 000 meters = 1 point

The contracting entity will determine the points scored in each calendar year. Then the points will be added, so that each bidder can receive a maximum of 30 points.

The 6 bidders with the highest total score will be invited to tender for lot 3. The contracting entity reserves the right to adjust the number of 6 bidders up or down, without being required to do so.

#### C. Procedure / Awarding

The specifications for the tendering process will be provided with the request for quotation (RFQ), which can be found on the Portal of 'Deutsche eVergabe'.

1. In the case of tenders to be submitted subsequently, which — based on the award criteria — prove to be significantly inferior to the competition financially speaking, following the submission of the tenders, the contracting entity may decide to exclude the bidder in question from further negotiations (elimination).

2. The awarding of contracts is subject to approval by the boards of the contracting entity

3. The awarding of contracts is subject to the performance of the services on economically feasible terms, to be established by the contracting entity

4. The awarding of contracts is subject to the adoption of ' Messstellenbetriebsgesetz MsbG' by the federal government.

5. By submitting an offer, the bidder has to send 2 free of charge samples to the contracting entity. These 2 samples has to be labeled with the EU-supplement-number and will be proofed afterwards regarding product suitability. If no restrictions will be detected, the bidding process will be continued.

### **VI.4. Procedures for review**

#### **VI.4.1. Review body**

Official name: Vergabekammer des Landes Berlin

Postal address: Martin-Luther-Str. 105

Town: Berlin

Postal code: 10825

Country: Germany

E-mail: vergabekammer@ senwtf.berlin.de

Telephone: +49 3090138316

Fax: +49 3090137613

#### **VI.4.2. Review procedure**

Precise information on deadline(s) for review procedures: In accordance with Section 160(3) clause 1 Nos 1 to 4 of the GWB, requests for a review are not permitted

- a) if the requester has identified the alleged violation of procurement rules before lodging the request for a review and has not notified the contracting entity within 10 calendar days; the expiry of the time period according to Section 134 (2) remains unaffected (Section 160 (3) clause 1 No.1 GWB).
- b) where violations of procurement rules, recognised on the basis of the notice, are not reported by the deadline for submitting offers or application to the contracting entity specified in the notice (Section 160(3) clause 1 No. 2 GWB).
- c) where violations of procurement rules, first recognisable in the tender documents, are not reported by the deadline for submitting tenders or application to the contracting entity specified in the notice/call for tenders (Section 160(3) clause 1 No. 3 GWB).
- d) where more than 15 calendar days have elapsed after receipt of notification from the contracting entity that they do not intend to remedy a complaint (Section 160(3) clause 1 No. 4 GWB).

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

**VI.5. Date of dispatch of this notice**

6.7.2016