

Denmark-Frederiksberg: Banking and investment services

OJ S 128/2017 07/07/2017

Contract notice**Services****Legal Basis:**

Directive 2014/24/EU

Section I: Contracting authority

I.1. Name and addresses

Official name: Lønmodtagernes Dyrtidsfond
National registration number: 61552812
Postal address: Dirch Passers Allé 27, 2. sal
Town: Frederiksberg
NUTS code: DK011 Byen København
Postal code: 2000
Country: Denmark
Contact person: Michael Steen
E-mail: tender2017@ld.dk
Telephone: +45 33368943
Internet address(es):
Main address: <http://www.ld.dk>

I.3. Communication

The procurement documents are available for unrestricted and full direct access, free of charge, at: <http://www.ld.dk>
Additional information can be obtained from the abovementioned address
Tenders or requests to participate must be submitted to the abovementioned address

I.4. Type of the contracting authority

Body governed by public law

I.5. Main activity

Economic and financial affairs

Section II: Object

II.1. Scope of the procurement**II.1.1. Title**

LD's Tenders for Fund Management and Depository Services, respectively.

II.1.2. Main CPV code

66100000 Banking and investment services

II.1.3. Type of contract

Services

II.1.4. Short description

Lønmodtagernes Dyrtidsfond (in the following referred to as 'LD') hereby issues an invitation to tender for two contracts regarding Fund Management Services and Depository Services, respectively.

This Procurement Procedure is carried out by LD on behalf of Kapitalforeningen LD (KLD) (Formerly named Den Professionelle Forening LD), in the following referred to as 'KLD'. The object of the tender is to contract with a Fund Manager and a Depository Bank (Global Custodian) regarding the fund management services and depository services, respectively, of KLD's assets.

The Fund Manager as well as the Depository Bank each has to fulfil all legal requirements to offer the depository services and fund management services, respectively, in Denmark.

II.1.5. Estimated total value

Value excluding VAT: 8 000 000,00 EUR

II.1.6. Information about lots

This contract is divided into lots: yes

Tenders may be submitted for all lots

Maximum number of lots that may be awarded to one tenderer: 1 The contracting authority reserves the right to award contracts combining the following lots or groups of lots:

This is a combined tender process of a Depository Bank and a Fund Manager, cf. section II. 2.4. The Depository Bank and the Fund Manager are required to 'team up' and submit combined tenders for both contracts, but the Depository Bank and the Fund Manager will in the end — according to legal requirements — be requested to sign two separate contracts governing their offered services, respectively.

II.2. Description

II.2.1. Title

Fund Management

Lot No: 1

II.2.2. Additional CPV code(s)

66100000 Banking and investment services, 66131000 Security brokerage services, 66160000 Trust and custody services, 66162000 Custody services

II.2.3. Place of performance

NUTS code: DK011 Byen København

II.2.4. Description of the procurement

The object of the tender is to identify and contract with a Fund Manager and a Depository Bank (Global Custodian) regarding the fund management services and depository services, respectively, of KLD's assets. LD will in the tender specification describe the relevant services and requirements, which will include all regulatory services and furthermore some additional services.

Due to Danish financial regulation, some of the services have to be delivered by the Depository Bank and some of the services have to be delivered by the Fund Manager. However, some services could be delivered either by the Depository Bank or the Fund Manager. LD expects that the Depository Bank and the Fund Manager — with respect of Danish regulation — decide on their own, which of the two is in a better position to deliver such requested services.

With respect to the KLD's day-to-day business and operations, it is of utmost importance that the Depository Bank and the Fund Manager are able to work together and cooperate in an

efficient manner and to provide services to the KLD. LD's completed market dialogue meetings furthermore underlined the importance of Fund Managers' and Depository Banks' freedom to pair up and define their corporations beforehand and by themselves, not being forced into a pairing or corporation by LD. Therefore LD (on behalf of KLD) has required a combined tender process of a Depository Bank and a Fund Manager which have joint experience in providing the requested depository services and fund management services. The Depository Bank and the Fund Manager are thus required to hand in combined tenders for both contracts, which will be evaluated as such but the Depository Bank and the Fund Manager will in the end — according to legal requirements — be requested to sign two separate contracts governing their offered services, respectively.

Accordingly, LD conducts the tender process for Fund Management Services and Depository Services as one combined tender process including the two separate contracts but with an obligation for the tenderers to 'pair up' beforehand and submit a combined tender for both contracts.

Therefore, Tenderers have to 'team up' prior to the tender submission. LD will allow an entity to team up in more teams (e.g. the same Depository can team up with more than one Fund Manager) as long as the legal requirements are fulfilled.

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: 4 000 000,00 EUR

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

Duration in months: 48

This contract is subject to renewal: no

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

All tender material is available on LD's webpage, cf. section I.3). However, LD stresses that a few of the appendices — Appendix 3A-3F and Appendix 8 — are considered being strictly confidential and therefore the tenderers have to sign and return a NDA in Appendix 11 prior to receiving these documents. LD refers to the NDA and the web page for further instructions.

II.2. Description

II.2.1. Title

Depository Services

Lot No: 2

II.2.2. Additional CPV code(s)

66131000 Security brokerage services

II.2.3. Place of performance

NUTS code: DK011 Byen København

II.2.4. Description of the procurement

LD refer to the description above in section II.2.4) regarding Lot 1, which is covering both Lot 1 and 2.

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: 4 000 000,00 EUR

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

Duration in months: 48

This contract is subject to renewal: no

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

All tender material is available on LD's webpage, cf. section I.3). However, LD stresses that a few of the appendices — Appendix 3A-3F and Appendix 8 — are considered being strictly confidential and therefore the tenderers have to sign and return a NDA in Appendix 11 prior to receiving these documents. LD refers to the NDA and the web page for further instructions.

Section III: Legal, economic, financial and technical information

III.1. Conditions for participation

III.1.1. Suitability to pursue the professional activity, including requirements relating to enrolment on professional or trade registers

List and brief description of conditions:

A. The tenderers must have all proper licenses and authorisations to carry out the activities and deliver services to KLD in Denmark.

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B. In LD's assessment this would require — with respect to the Fund Manager — documentation that the tenderer wishing to carry out the Fund Management Services is licensed by the Danish Financial Supervisory Authority as a management Company (In Danish: Investeringsforvaltningsselskab) in accordance with section 10 of the Danish Financial Business Act (In Danish: Bekendtgørelse af lov om finansiel virksomhed) — Consolidated Act no. 1125 as of 23 September 2010 as amended. The Fund Manager must be authorised to carry out the relevant activities listed in Annex 6 of the Danish Financial Business Act for the KLD.

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C. In LD's assessment this would require — with respect to the Depository Services — documentation that the tenderer wishing to carry out the Depository Services — in accordance with Sections 3 (1), no. 5 and 110a(5) of the Danish Act of Investment Associations, Special-Purpose Associations and other Collective Investment Schemes etc. (in Danish: Bekendtgørelse af lov om investeringsforeninger og specialforeninger samt kollektive investeringsordninger m.v.) — Consolidated Act no. 904 as of 5. july 2010 as amended — is either (i) licensed by the Danish Financial Supervisory Authority as a bank (in Danish: pengeinstitut) in accordance with Section 7 of the Danish Financial Business Act (in Danish: bekendtgørelse af lov om finansiel virksomhed) — Consolidated Act no. 1125 as of 23 september 2010 as amended — authorised to carry out the relevant activities listed in Annex 1 of the Danish Financial Business Act for KLD, or (ii) Licensed by the relevant Financial regulator of another European Union (EU) Member State or a country within the European Economic Area (EEA) as a credit institution and is authorised to carry out depository services in Denmark through a Danish branch in accordance with section 30 of the Danish Financial Business Act (in Danish: Bekendtgørelse af lov om Finansiel virksomhed) — Consolidated Act no. 1125 as of 23 september 2010 as amended — including the relevant activities to be performed for the KLD as further described in the tender material.

D. Furthermore, the tenderers are to note that if the contracts are in fact awarded to the tenderers, such tenderers must be approved as a Management Company / Depository respectively of the KLD by the Danish Financial Supervisory Board.

E. The tenderers must be able to document their compliance with the abovementioned requirements in connection with signing the contract and at the latest before any delivery under the contract.

Section IV: Procedure

IV.1. Description

IV.1.1. Type of procedure

Open procedure

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 a single operator

IV.1.8. Information about the Government Procurement Agreement (GPA)

The procurement is covered by the Government Procurement Agreement: no

IV.2. Administrative information

IV.2.1. Previous publication concerning this procedure

Notice number in the OJ S: [2017/S 101-202274](#)

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

Date: 04/09/2017 Local time: 13:00

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: 4 (from the date stated for receipt of tender)

IV.2.7. Conditions for opening of tenders

Date: 04/09/2017 Local time: 13:00

Information about authorised persons and opening procedure: Tenderers will not be granted access to attend the opening of tenders.

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

A. As a part of the tender, the tenderers must submit an ESPD a a preliminary documentation of the circumstances set out in section 148 of the Danish Publis Procurement Act (in Danish: udbudsloven). Reference is made to the Danish Competition and Comsumer Authority's ESPD guide. The following parts of the eESPD must be completed:

- Part II: Information about the economic operator,
- Part III: Exclusion grounds,
- Part VI Concluding statements.

Each of the Fund Managers and the Depositary must respectively hand in a filled in ESPD alongside their tender.

B. For groups of tenderers/economic operators e.g. a consortium, a separate ESPD must be submitted for each of the participating tenderers — and a consortium declaration must be submitted as well, cf. the Consortium Declaration template included in the tender material published on the webpage. If a tenderer participates in the procedure together with others as described in part II, section A of the ESPD, this normally relates to whether the tenderers have formed a consortium. In this tender procedure, LD require tenderers to form a temporary association — not constituting a consortium — the main difference being that the Fund Manager and Depositary Bank respectively will not be held jointly liable for the fulfillment of the contract. Tenderers are encouraged to fill in part II, section A stating the name of the Fund Manager or Depositary Bank, whom the tenderer will be paired up with in the tender. If the tenderers — being both the Fund Manager and the Depositary Bank — wish to submit tender as a consortium e.g. the fund manager wish to form a consortium with a third party not being the depositary bank, whereby the Fund Manager and the third party become jointly liable for the fulfillment of the Fund Management Services Contract, then the Fund Manager must declare this in the tender and submit separate ESPD for this third party and a consortium declaration signed by the Fund Manager and the third party — and submit the tender in combination with the Depositary.

C. If a tenderer relies upon the capacity of other entities, an ESPD must be submitted for the tenderer and also for each of the entities on which the tenderers relies upon — and a declaration of support must be submitted as well, cf. the Declaration of Support templates included in the tender material published on LD's webpage. The tenderers — being both the

Fund Manager and the Depository Bank — may rely on the financial and/or technical capacity of other entities (e.g. parent company or subcontractor) regardless of the legal nature of the connections between the tenderer and the entities on which the tenderer relies. The tenderer must then prove that the tenderer has at its disposal the resources necessary to fulfill the contract, e.g. by providing a declaration of support proving the legal commitment from these entities to make the required resources available in the contract period, Any supporting entities submit their own ESPD.

D. Before the decision to Award the contract is made, the winning pairing of tenderers to whom LD intends to Award the contract must provide final documentation of the information submitted in the ESPD pursuant to sections 151-153 of the Danish Public Procurements Act. Reference is made to the tender specifications, section 5.1.6 describing the required documentation.

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@erst.dk
Telephone: +45 35291095
Internet address: <http://www.klfu.dk>

VI.4.3. Review procedure

Precise information on deadline(s) for review procedures:

In accordance with Act no. 953 2.6.2016 (Lov om klagenævnet for Udbud m.v.), the deadlines for submitting a complaint are the following:

Complaints about a candidate not being selected must be filed within 20 calendar days starting the day after the contracting authority sent notification to the candidates involved, cf. section 171 of the Danish Public Procurement Act or section 2, 1) no 1 of the same Act, provided that the notification includes a short account of the relevant reasons of the decision.

Complaints about the award procedure must be lodged with the Danish Complaints Board for Public Procurement before the expiry of:

- 1) 45 calendar days after the contracting authority has published a notice in the official Journal of the European Union (with effect from the day following the publication date)
- 2) 30 calendar days from the day following the day on which the contracting authority has informed the tenderers that the contracting authority has entered into a contract based on a framework agreement with reopening of competition or a dynamic purchasing system if the notification includes a short account of the relevant reasons for the decision.
- 3) 6 months after the contracting authority has signed a framework agreement from the day following the day that the contracting authority has notified the tenderers, cf. section 2, 2) of the Act or section 171, 4) of the Danish Public Procurement Act.
- 4) 20 calendar days from the day after the day the contracting authority has announced its decision see section 185, 2) of the Danish Public Procurement Act.

The complainant must inform the contracting authority of the complaint in writing and not later than simultaneously with the lodging of the complaint to the Danish Board of Public

Procurement. The complaint must state whether the complaint was lodged in the stand still period. If the complaint has not been lodged in the stand still period, the complaint must also state whether the complaint is requested to be given suspensive effect.

Reference is made to the complaints procedure available at www.erhvervsstyrelsen.dk

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

03/07/2017