

Denmark-Ringsted: Transport equipment and auxiliary products to transportation**OJ S 99/2022 23/05/2022****Contract notice – utilities****Supplies****Legal Basis:**

Directive 2014/25/EU

Section I: Contracting entity

I.1. Name and addresses

Official name: Lokaltog A/S
National registration number: 26 15 90 40
Postal address: Jættevej 50
Town: Ringsted
NUTS code: DK02 Sjælland
Postal code: 4100
Country: Denmark
Contact person: Eva Stub Munch
E-mail: eva.stub.munch@cloverleaf.dk
Telephone: +45 40613800
Internet address(es):
Main address: <https://www.lokaltog.dk/>

I.1. Name and addresses

Official name: Infrastrukturselskabet Lj A/S
National registration number: 31761670
Postal address: Jættevej 50
Town: Ringsted
NUTS code: DK02 Sjælland
Postal code: 4100
Country: Denmark
E-mail: eva.stub.munch@cloverleaf.dk
Internet address(es):
Main address: <https://www.lokaltog.dk/>

I.1. Name and addresses

Official name: Hovedstadens Lokalbaner A/S
National registration number: 26125146
Postal address: Nordre Jernbanevej 31
Town: Hillerød
NUTS code: DK01 Hovedstaden
Postal code: 3400
Country: Denmark
E-mail: eva.stub.munch@cloverleaf.dk
Internet address(es):
Main address: <https://www.lokaltog.dk/>

I.2. Information about joint procurement

The contract involves joint procurement

I.3. Communication

The procurement documents are available for unrestricted and full direct access, free of charge, at: <https://www.ethics.dk/ethics/eo#/2a9a2dc8-f9b1-416e-a5b4-787902c99f24/publicMaterial>

Additional information can be obtained from the abovementioned address

Tenders or requests to participate must be submitted electronically via: <https://www.ethics.dk/ethics/eo#/2a9a2dc8-f9b1-416e-a5b4-787902c99f24/homepage>

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

Electronic communication requires the use of tools and devices that are not generally available. Unrestricted and full direct access to these tools and devices is possible, free of charge, at: <https://www.ethics.dk/ethics/eo#/2a9a2dc8-f9b1-416e-a5b4-787902c99f24/homepage>

I.6. Main activity

Railway services

Section II: Object

II.1. Scope of the procurement

II.1.1. Title

Framework agreement regarding production and delivery of turnouts with sleepers

II.1.2. Main CPV code

34000000 Transport equipment and auxiliary products to transportation

II.1.3. Type of contract

Supplies

II.1.4. Short description

The tender relates to a framework agreement (the "Agreement"), ref. Utilities Directive Article 47, covering production and delivery of complete turnouts including sleepers, parts of turnouts for ongoing maintenance, as well as related accessories/services/components covering insulating adhesive shocks, track drives (cradles) and fastening spare parts, cf. Appendix 1 (Requirements specification) and Appendix 4 (TBL). Lokaltog will make its own matrices (forms) for turnout sleepers available for the Supplier to use for the casting of sleepers but shall have the option to order additional matrices (forms) for turnout sleepers as well. The tenderers are asked to price the delivery of turnouts as prefabricated and delivered to Lokaltog in three parts ("Delivery method A") but will also have the option of pricing an optional delivery method ("Delivery Method B"). The Agreement covers both Lokaltog's projects as well as general operation and maintenance.

II.1.5. Estimated total value

II.1.6. Information about lots

This contract is divided into lots: no

II.2. Description

II.2.2. Additional CPV code(s)

34941000 Rails and accessories, 34941800 Railway points, 34947200 Parts of sleepers, 34947100 Sleepers, 34947000 Sleepers and parts of sleepers, 34946220 Switch blades, crossing frogs, point rods and crossing pieces, 34946230 Rail clips, bedplates and ties,

34946231 Rail clips, 34946232 Bedplates and ties, 34946222 Crossing frogs, 34946224 Crossing pieces

II.2.3. Place of performance

NUTS code: DK02 Sjælland

Main site or place of performance: Lokaltogs locations on Sjælland (Sealand).

II.2.4. Description of the procurement

The tender relates to a framework agreement (the "Agreement"), ref. Utilities Directive Article 47, covering production and delivery of complete turnouts including sleepers, parts of turnouts for ongoing maintenance, as well as related accessories/services/components covering insulating adhesive shocks, track drives (cradles) and fastening spare parts, cf. Appendix 1 (Requirements specification) and Appendix 4 (TBL). Lokaltog will make its own matrices (forms) for turnout sleepers available for the Supplier to use for the casting of sleepers but shall have the option to order additional matrices (forms) for turnout sleepers as well. The tenderers are asked to price the delivery of turnouts as prefabricated and delivered to Lokaltog in three parts ("Delivery method A") but will also have the option of pricing an optional delivery method ("Delivery Method B").

The Agreement covers both Lokaltog's projects as well as general operation and maintenance. The Supplier will be informed if turnouts and / or related accessories/services/components are included as client-supplied material deliveries in projects, in which case Lokaltog is extremely dependent on deliveries being delivered on time.

// Price regulation //

Please notice that prices for goods and services under this Agreement are regulated at the time of the purchase order (and thus not with a periodic interval which is often the practice). This initiative is made in order to accommodate a realistic price adjustment in the current market situation. Furthermore, the price of delivery and the unit prices for turnouts and related goods/components are regulated separately.

// English versions //

Please notice the contracting authority has made some tender documents available in English language versions, including the Tender Conditions, the Framework Agreement and the Requirement Specification for Turnouts (not Turnout Sleepers). Apart from the Tender conditions (which is only in English) only the Danish version are valid and the English versions for guidance only.

// Contract quantity and value //

Throughout its duration, the agreement has an estimated framework of 116 complete turnouts with sleepers and associated accessories / services / components corresponding to DKK 8.9 million. DKK, as stated in appendix 4 (TBL) and appendix 1 .C (Forecast for Lokaltog projects 2023 + 2024 + 2025).

The Agreement contains an option to increase the quantities/value of the Agreement by 20%, ie. corresponding to 23 switches and associated accessories / service / components corresponding to 1.8 mill. DKK.

The agreement's total maximum quantity of purchases for the entire agreement period as calculated in quantities/value thus amounts to a total of 139 switches as well as associated accessories / service / components corresponding to DKK 10.6 million. DKK. This includes the option to increase the quantity/value of the agreement.

At the time of the tender the estimated value of the agreement is DKK 95.9 million DKK excl. VAT incl. options (based on 116 switches estimated at a value of DKK 750,000 per piece and associated accessories / services / components to an estimated total value of DKK 8.6 million), but the actual value may increase or decrease over the term of the Agreement

depending on the price development, as the total maximum purchases for the entire agreement period is calculated in quantities as stated above.

The quantities stated in the pricelist list are based on an estimate of the expected future consumption. The value / quantities are thus indicative, and the Supplier is not guaranteed any minimum turnover, or that the orders from Lokaltog are distributed as specified in the offer list (Appendix 4). Unless the Parties agree otherwise, the Agreement terminates when the framework is reached (if this time precedes the time mentioned in the Agreement section 16).

II.2.5. Award criteria

Criteria below

Quality criterion - Name: Quality / Weighting: 60

Price - Weighting: 40

II.2.6. Estimated value

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

Duration in months: 48

This contract is subject to renewal: yes

Description of renewals:

The agreement may be extended by two (2) times two (2) years with a notice of at least six (6) months. The duration of the framework agreement is thus a maximum of 96 months from the time the agreement is signed by Lokaltog, including the options to extend the duration of the framework agreement.

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:

Lokaltog will invite a maximum of 5 applicants to submit tenders.

If more than 5 conditional applications for pre-qualification are received, Lokaltog will select among these applicants. The selection will be based on following criteria:

The relevance assessment is made based on the extent to which:

(1) The references, based on an overall assessment, are documenting broad experience with and knowledge of delivering turnouts based on a contracting authority's drawing material or similar as well as how the references demonstrate direct involvement in and experience with all aspects of producing and delivering turnouts to contracting authorities. Experience with deliveries covering both turnouts and turnout sleepers as a total delivery to a contracting authority is evaluated positively. Experience with cross-border projects (deliveries to countries outside the production site) is evaluated positively.

II.2.10. Information about variants

Variants will be accepted: no

II.2.11. Information about options

Options: yes

Description of options:

The Agreement may be extended by two (2) times two (2) years with a notice of at least six (6) months. The duration of the Agreement is thus a maximum of 96 months from the time the Agreement is signed by Lokaltog, including the options to extend the duration of the Agreement. The Agreement contains an option to increase the quantities/value of the Agreement by 20%, ie. corresponding to 23 switches and associated accessories / service / components corresponding to 1.8 mill. DKK.

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

The Agreement has not been subdivided into lots as it has not been deemed commercially attractive as it is important for the project to achieve the necessary synergy with one supplier regarding technical material and processes. Managing more suppliers as well as sharing knowledge and managing interfaces between these is likely to increase project cost and timeframe.

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:

There are no economic or financial selection criteria. The minimum requirements for economic and financial capacity is described below.

Minimum level(s) of standards possibly required:

Applicants must provide the following information regarding economical and financial standing, ref. Public Procurement Act, section 142. The information should be provided in the ESPD, Part IV (B):

- Yearly turnover
- Equity

Minimum level required:

- The applicant's equity in the most recent available financial year must be positive. If the Applicant is based on the ability of other entities (eg a consortium), the amount is calculated as the company's total equity.
- The applicant must have a minimum turnover of 20 million DKK per year in the most recent 3 available financial years.

III.1.3. Technical and professional ability

List and brief description of selection criteria:

Lokaltog will invite a maximum of 5 applicants to submit tenders.

If more than 5 conditional applications for pre-qualification are received, Lokaltog will select among these applicants. The selection will be based on following criteria:

The relevance assessment is made based on the extent to which:

(1) The references, based on an overall assessment, are documenting broad experience with and knowledge of delivering turnouts based on a contracting authority's drawing material or similar as well as how the references demonstrate direct involvement in and experience with all aspects of producing and delivering turnouts to contracting authorities. Experience with deliveries covering both turnouts and turnout sleepers as a total delivery to a contracting authority is evaluated positively. Experience with cross-border projects (deliveries to countries outside the production site) is evaluated positively.

Minimum level(s) of standards possibly required:

Applicants must provide the following information regarding technical and professional ability. The information should be provided in the ESPD, Part IV (C):

Minimum level required:

(1) The applicant shall provide proof of at least 3 and maximum 7 references on deliveries for similar work within the last three years, cf. Contract Notice (“Udbudsbekendtgørelsen”), section II.1.4) and pkt. II.2.4). By “similar work” is understood deliveries fulfilling the following criteria:

- I. The delivery covered both the production and the delivery of turnouts (with or without sleepers) and associated components to the contracting authority
- II. The delivery covered the production of turnouts and associated components on the basis of the contracting authority’s drawing material or similar normal drawings
- III. Reference deliveries each had a total value of at least 1,5 mio. DKK (or 200.000 €)
- IV. The delivery has been concluded or is currently ongoing

(2) The applicant shall provide proof of at least 3 and maximum 7 references on deliveries for the production of turnout sleepers within the last three years fulfilling the following criteria:

- I. The delivery covered the production of turnout sleepers to a contracting authority
- II. The delivery has been concluded or is currently ongoing

(3) The applicant must have an ISO9001 certification (quality assurance standard) or similar.

As part of the reference description, please provide the following information:

- Name of the contracting authority including contact person for which the reference project was carried out
- The value of the reference project
- Project description including (in relation to turnouts) a description on how the reference project covered both production and delivery of turnouts as well as how the production of turnout was based on a contracting authority’s drawing material or similar and if the delivery covered cross-border projects or (in relation to turnout sleepers) how the reference project covered the production of turnout sleepers to a contracting authority
- Contract duration (project start and end / or current status)
- Description of the organisation of the project, including if the project was carried out by the applicant alone or if sub suppliers, partners, consortium constellation or other means of supporting entities were part of the delivery of the reference project.

The same references can cover both deliveries of turnouts and deliveries of turnout sleepers. If more than 7 references for each type (references regarding turnouts or sleepers) are provided, Lokaltog will only assess the seven (7) references with the newest start date. Lokaltog will disregard references completed more than three (3) years before the application deadline.

The reference list provided by the applicant in the ESPD will constitute the final documentation for the applicant's information on technical and professional ability. Lokaltog may, however, obtain further documentation of the applicant's technical and professional ability, if Lokaltog deems this relevant.

III.1.6. Deposits and guarantees required

It is a requirement, cf. section 15 of the Agreement, that the Supplier and its possible subcontractors take out and maintain all statutory and necessary usual business and product liability insurance covering damages in accordance with general rules for their activities throughout the agreement period. The insurance must cover an insurance sum of at least DKK 50 million in the event of personal injury and / or property damage.

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

If an Applicant applies as part of a consortium or joint venture, the documentation shall be submitted by each member of the consortium/joint venture in separate ESPD documents each covering a member of the consortium/joint venture. In pre-qualification the combined eligibility

of the consortium/joint venture is being evaluated. Requirements in relation to documentation of the information submitted in the ESPD is also mandatory for members of consortia/joint ventures. A company not able to fulfil the minimum requirements for pre-qualification on its own has the possibility to rely on another company's (a supporting entity) capacity to fulfil the requirements. In pre-qualification the combined eligibility of the Applicant and the supporting entity is being evaluated. It is a requirement that supporting entities are active participants within their area of expertise in the work carried out under the contract.

III.2. Conditions related to the contract

III.2.3. Information about staff responsible for the performance of the contract

Obligation to indicate the names and professional qualifications of the staff assigned to performing the contract

Section IV: Procedure

IV.1. Description

IV.1.1. Type of procedure

Negotiated procedure with prior call for competition

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

The procurement involves the establishment of a framework agreement
Framework agreement with a single operator

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: [2021/S 220-576474](#)

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

Date: 20/06/2022 Local time: 10:00

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, Danish

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

// PRE-QUALIFICATION //

When applying for pre-qualification, the applicant must fill in the joint European Single Procurement Document (hereinafter referred to as "ESPD") as a preliminary proof of the provisions of § 148 (1) of the Danish Public Procurement Act, cf. § 11 of Executive order no. 1624 of 15.12.2015.

This is preliminary evidence of:

- That the applicant is not covered by grounds for exclusion, cf. section 3.1 as well as the ESPD, part III (A-D).
- That the applicant meets any minimum requirements for the financial and financial ability as set out in section 3.3 below as well as the Contract Notice ("Udbudsbekendtgørelsen") section III.1.2).
- That the applicant meets any minimum requirements for technical and professional ability set out in section 3.4 below as well as the Contract Notice ("Udbudsbekendtgørelsen") section III.1.3)

The ESPD is filled out directly in the electronic procurement tool in relation to the application for pre-qualification.

// EXCLUSION //

An applicant who at any time during the procurement procedure is subject to one of the reasons for exclusion in §§ 135-136 or § 137, first paragraph, (2) of the Danish Public Procurement Act, cf. § 10 of Executive order nr. 1624 of 15.12.2015 will be excluded from participating in the procurement procedure. The contracting authority may not exclude the applicant in question if the applicant submits evidence of its reliability within a reasonable period of time set by Lokaltog, cf. § 138 of the Danish Public Procurement Act, cf. § 10 of Executive order nr. 1624 of 15.12.2015.

// QUESTIONS //

Applicant/tenderer can clarify any ambiguities in relation to the tender documents or the tender process by asking questions to Lokaltog. Lokaltog recommends that questions are asked as they arise up until the deadline for submitting questions, cf. section 2.1.

If the applicant/tenderer is in doubt about how the request for pre-qualification or the tender is prepared, the applicant/tenderer is also encouraged to ask questions about this via Ethics.

The applicants/tenderers may also, for the purpose of applying for pre-qualification and tenders, ask written questions to the tender documents.

VI.4. Procedures for review

VI.4.1. Review body

Official name: Klagenævnet for Udbud

Postal address: Toldboden 2

Town: Viborg

Postal code: 8800

Country: Denmark

E-mail: klfu@naevneneshus.dk

Telephone: +45 72405600

Internet address: <https://naevneneshus.dk/start-din-klage/klagenaevnet-for-udbud/>

VI.4.3. Review procedure

Precise information on deadline(s) for review procedures:

Pursuant to the Act on the Complaints Board for Tenders, the following deadlines apply for the submission of a complaint:

Complaints about not having been pre-qualified must be submitted to the Complaints Board for Tenders before 20 calendar days from the day following the sending of a notification to the applicants concerned as to who has become selected, cf. the Public Procurement Act, section 171, subsection 2, or the Appeals Board Act § 2, para. 1, no. 1, when the notification is accompanied by a justification for the decision.

In other situations, a complaint about a tender must be submitted to the Complaints Board for Tenders before:

1) 45 calendar days after the contracting authority has published a notice in the Official Journal of the European Union;

that the contracting authority has entered into a contract. The deadline is calculated from the day after the day on which the executive order has been published.

2) 30 calendar days from the day following the day on which the contracting authority notifies the tenderers concerned that a contract based on a framework agreement reopening the competition or a dynamic purchasing system has been concluded, if the notification has stated a reason for the decision.

3) six months after the contracting authority has entered into a framework agreement calculated from the day after the day on which the contracting authority has notified the affected applicants and tenderers, cf. section 2 (1) of the Act. 2, or the Public Procurement Act § 171, para. 4.

4) 20 calendar days calculated from the day after the contracting authority has announced its decision, cf. section 185 of the Public Procurement Act, PCS. 2.

At the latest at the same time as a complaint is submitted to the Complaints Board for Tenders, the complainant must notify the contracting authority in writing that a complaint is submitted to the Complaints Board for Tenders, and whether the complaint has been submitted during the standstill period, cf. 4. In cases where the complaint has not been lodged during the standstill period,

the complainant also state whether a suspensive effect of the complaint is requested, cf. the Complaints Board Act, section 12, subsection. 1.

The Complaints Board for the E-mail Address of the Tender is specified in section VI.4.1).

The Complaints Guide from the Complaints Board for Tenders can be found on the Complaints Board's website.

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: www.kfst.dk

VI.5. Date of dispatch of this notice

18/05/2022