

Denmark-Viborg: Air transport services
OJ S 102/2022 27/05/2022
Contract notice
Services

Legal Basis:

Directive 2014/24/EU

Section I: Contracting authority

I.1. Name and addresses

Official name: Central Denmark Region

National registration number: 29190925

Postal address: Skottenborg 26

Town: Viborg

NUTS code: DK04 Midtjylland

Postal code: 8800

Country: Denmark

Contact person: Johannes Traberg Christensen

E-mail: johannes.traberg@ph.rm.dk

Internet address(es):

Main address: <http://www.udbud.rm.dk>

Address of the buyer profile: <https://eu.eu-supply.com/ctm/Company/CompanyInformation/Index/253854>

I.1. Name and addresses

Official name: The North Denmark Region

National registration number: 29190941

Postal address: Niels Bohrs Vej 30

Town: Aal

NUTS code: DK05 Nordjylland

Postal code: 9200

Country: Denmark

E-mail: susanne.hundeboll.nielsen@stab.rm.dk

Internet address(es):

Main address: www.rn.dk

I.1. Name and addresses

Official name: The Region of Southern Denmark

National registration number: 29190909

Postal address: Damhaven 12

Town: Vejle

NUTS code: DK03 Syddanmark

Postal code: 7100

Country: Denmark

E-mail: susanne.hundeboll.nielsen@stab.rm.dk

Internet address(es):

Main address: www.rsyd.dk

I.1.

Name and addresses

Official name: Region Zealand
National registration number: 29190658
Postal address: Alléen 15
Town: Sorø
NUTS code: DK02 Sjælland
Postal code: 4180
Country: Denmark
E-mail: susanne.hundeboll.nielsen@stab.rm.dk

Internet address(es):

Main address: www.regionsjaelland.dk

I.1. Name and addresses

Official name: The Capital Region of Denmark
National registration number: 29190623
Postal address: Kongens Vænge 2
Town: Hillerød
NUTS code: DK01 Hovedstaden
Postal code: 3400
Country: Denmark
E-mail: susanne.hundeboll.nielsen@stab.rm.dk

Internet address(es):

Main address: www.regionh.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: http://eu.eu-supply.com/app/rfq/rwlenrance_s.asp?PID=332675&B=REGIONMIDT
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=332675&B=REGIONMIDT
Tenders or requests to participate must be submitted to the abovementioned address

I.4. Type of the contracting authority

Regional or local authority

I.5. Main activity

Health

Section II: Object

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

Contract for the operation of helicopter emergency medical services

II.1.2. Main CPV code

60400000 Air transport services

II.1.3. Type of contract

Services

II.1.4. Short description

The Tender will include four helicopters (and a backup helicopter), pilots and HEMS crew medics for the operation of helicopter emergency medical services in Denmark. The Contracting Authorities will provide the HEMS physicians.

The detailed terms of the operation of the services appear from draft "Contract on the operation of helicopter emergency medical services" and the appendices, which are included as part of the tender documents.

The contract will be entered into for a period of 10 years from Commencement of Operations with options to extend the contract length up to 14 years from Commencement of Operations. Furthermore, the Contracting Authorities have an option of including up to two additional helicopters in the services.

II.1.5. Estimated total value

Value excluding VAT: 285 000 000,00 EUR

II.1.6. Information about lots

This contract is divided into lots: no

II.2. Description

II.2.2. Additional CPV code(s)

85141000 Services provided by medical personnel, 60424120 Hire of helicopters with crew

II.2.3. Place of performance

NUTS code: DK Denmark

Main site or place of performance: Denmark

II.2.4. Description of the procurement

The national Danish HEMS service was established by the five regions of Denmark and provides nationwide coverage, currently using four EC-135 helicopters and a backup EC-135 helicopter. However, this tender process concerns two small helicopters and two large helicopters and a backup helicopter (small).

A small helicopter in this tender must have a d-value below 13,2 metres and a cockpit, cabin and cargo volume exceeding 4.5 M3. A large helicopter in this tender must have a d-value below 14 metres and a cockpit, cabin and cargo volume exceeding 6 M3.

The helicopters must be staffed with a pilot, a HEMS Crew Medic and a HEMS Physician. The latter is provided by the Contracting Authorities. The service is primarily dispatched to patients with acute life-threatening illnesses or traumatic injury but is also used for inter-hospital patient transfers.

The Danish HEMS service is a single pilot operation and it is in operation around the clock every day of the year. From Commencement of Operations, the entity performing the HEMS operations must hold a number of approvals, e.g. HEMS-operations and IFR approval (cat 1), but see the tender documents for further.

The crew shall utilise NVIS in order to land close to the accident scene at night-time and use Point IN Space (GPS-PinS) procedures when landing at hospitals in difficult weather conditions. Some of the operations are executed using onboard instruments (IFR) in bad weather conditions.

The current four helicopters completed 4.768 missions in 2021.

The four helicopters are based near Saltum on landside, Billund Airport, Ringsted Airfield and Skive on landside. On each location the regions have established a base with accommodation facilities for the crew and a hangar for the helicopter which allows for minor maintenance facilities. The bases are owned by the regions and are made available for the supplier free of

charge. The backup helicopter may be placed at Ringsted Airfield (hangar made available by the Customer) or elsewhere according to the Supplier's preference (facilities made available by the Supplier at own expense).

In regards to section II.2.7) it is noted, that the term of the contract is 10 years as from Commencement of Operations, which is expected to be in November 2024.

II.2.5. Award criteria

Criteria below

Quality criterion - Name: Quality / Weighting: 40

Quality criterion - Name: Reliability of Operation / Weighting: 30

Price - Weighting: 30

II.2.6. Estimated value

Value excluding VAT: 285 000 000,00 EUR

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

Duration in months: 120

This contract is subject to renewal: yes

Description of renewals:

The Contracting Authorities may prolong the term of the Contract by 2 years (i.e. until 12 years as from Commencement of Operations).

Upon prior written agreement(s) between the Parties, the term of the Contract may be further prolonged one or more times, in total by up to 2 further years (i.e. up to 14 years as from Commencement of Operations).

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

Envisaged number of candidates: 4 Objective criteria for choosing the limited number of candidates:

The shortlisting of applicants invited to tender will be based on an evaluation of which applicants have documented the most relevant deliveries (references), see section III.1.3), of the services covered by the contract, see the description in sections II.1.4) and II.2.4).

The evaluation of the most relevant deliveries (references) will be made on the basis of the extent to which the references document experience with delivery of comparable services, including that the references are comparable with the Contract tendered for in relation to volume and complexity, see also the description in sections II.1.4) and II.2.4).

In the assessment the Contracting Authorities will make an overall evaluation of the applicant's references. It will be given special weight if the applicant documents experience with:

- Single pilot operations
- Performing HEMS in 24-hour operations
- Using IFR,
- Using GPS-PinS,
- Performing HEMS in climate/weather conditions similar to Danish conditions (including in relation to low cloud ceiling, poor visibility and risk of ice formation).

The conditions for references being used to fulfil the minimum requirement, see section III.1.3), do not apply for references being used to fulfil the selection criteria under this section II.2.9), provided that the references relate to the past three (3) years before the deadline for submission of application.

II.2.10. Information about variants

Variants will be accepted: no

II.2.11.

Information about options

Options: yes

Description of options:

The Contracting Authorities have an option of extending the number of emergency medical helicopters by up to two further helicopters, i.e. from four emergency medical helicopters to five or six emergency medical helicopters (in addition to the back-up helicopter).

II.2.12. Information about electronic catalogues

Tenders must be presented in the form of electronic catalogues or include an electronic catalogue

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 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:

The applicant must submit the European Single Procurement Document ("ESPD") with confirmation that the applicant fulfills the following minimum requirement:

- The entity to perform the HEMS operation under the contract must – at the time of application - possess a valid AOC (Air Operator Certificate) issued by an EASA member state or an associated state.

Confirmation is to be stated in section IV.A of the ESPD.

The ESPD serves as provisional documentation that the applicant fulfils the minimum suitability requirement in respect of suitability to pursue the professional activity.

Before the award decision is made, the tenderer to whom the Contracting Authorities intend to award the contract must submit documentation that the information stated in the ESPD is accurate. However, the Contracting Authorities expect to apply the procedure set out in section 151(2) of the Danish Public Procurement Act and collect documentation before the tenderer submit the initial tender. The applicants are therefore urged but not obliged to enclose this documentation with the application.

Upon the Contracting Authorities' request, the following documentation must be submitted:

- Copy of the AOC or similar documentation including the name of the issuing authority/state.

III.1.2. Economic and financial standing

List and brief description of selection criteria:

The applicant must submit the ESPD with the following information:

- The applicant's equity in the most recent financial year available
- The applicant's solvency ratio in the most recent financial year available

If the applicant relies on the economic and financial capacity of other entities in relation to the fulfilment of minimum requirements, see below, the applicant and the entities in question will be required by the Contracting Authorities to undertake joint and several liability for the performance of the contract.

If the applicant relies on the capacities of other entities, the equity is to be calculated as the total equity of the applicant and such other entities in the most recent annual report/financial statement available. For groups of operators (e.g. a consortium), the equity is calculated as the total equity of the operators in the most recent annual report/financial statement available. The information is to be stated in section IV.B of the ESPD.

The solvency ratio is calculated as the applicant's total equity divided by the applicant's total assets, calculated as a percentage. The solvency ratio is thus calculated as (total equity/total assets) x 100 = equity to total assets ratio. If the applicant relies on the capacities of other entities, the solvency ratio is calculated as the total equity of the applicant and such other entities divided by their total assets, calculated as a percentage. For groups of operators (e.g. a consortium), the solvency ratio is calculated as the total equity of the operators divided by their total assets, calculated as a percentage. The information is to be stated in section IV.B of the ESPD.

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

Before the award decision is made, the tenderer to whom the Contracting Authorities intend to award the contract must submit documentation that the information stated in the ESPD is accurate. However, the Contracting Authorities expect to apply the procedure set out in section 151(2) of the Danish Public Procurement Act and collect documentation before the tenderer submit the initial tender.

Upon the Contracting Authorities' request, the following documentation of economic and financial capacity must be submitted:

- The applicant's balance sheets or extracts from balance sheets in the most recent annual report/financial statement available if publication of the balance sheets is required under law in the country in which the applicant is established, or other documentation of the size of the equity and assets, e.g., an audited statement regarding the applicant's equity and assets in the most recent annual report/financial statement available.

For groups of operators (e.g. a consortium), the information in the most recent annual report /financial statement available must be submitted for each participating operator in the group. Where an operator relies on the economic and financial capacity of other entities (e.g. a parent company, a sister company or a subcontractor), information for such other entities must be provided as well.

The said information must be provided by completing part IV, Clause B, of the ESPD.

Minimum level(s) of standards possibly required:

The Contracting Authorities impose the following minimum requirements as to applicants' economic and financial capacity:

- The applicant must have an equity of a minimum of EUR 4,000,000 in the most recent financial year available
- The applicant must have a solvency ratio of a minimum of 10% in the most recent financial year available

III.1.3. Technical and professional ability

List and brief description of selection criteria:

The applicant must submit the ESPD with the following information:

A list of the most significant comparable services (references), see sections II.1.4) and II.2.4), that the applicant has carried out in the latest 3 years before the expiry of the deadline for application. See below for the minimum requirements as to the references.

The Contracting Authorities will also attach importance to applicants' technical and professional capacity in connection with the selection of tenderers, cf. section II.2.9).

Applicants must therefore in addition to the minimum requirements provide information in the

ESPD as to applicants' most important references in respect of operation of helicopter emergency medical services.

Applicants are urged to state as follows in respect of each reference in the ESPD:

- (i) Period within which the services were rendered
- (ii) Name of the customer and contact information
- (iii) Brief description of the contract, including
 - a. the applicant's role in performing the contract
 - b. the HEMS provided in regards to the elements pointed out in section II.2.9).
- (iv) The applicant's fee for the service which enables the Contracting Authorities to confirm fulfilment of the minimum requirement regarding total realized revenues within the past three (3) years before the deadline for submission of application.
- (v) Number of bases involved in the services by the applicant.

Such information is provided by completing part IV, Clause C, of the ESPD

No additional documentation of technical and professional capacity will be required from the applicant. However, the Contracting Authorities reserve the right to contact the relevant customers regarding the references stated for an elaboration thereof.

Minimum level(s) of standards possibly required:

The Contracting Authorities impose the following minimum requirements as to the applicants' technical and professional capacity:

- The applicant must provide one or more references covering operation of a helicopter emergency medical service with total realized revenues of minimum EUR 6,000,000 within the past three (3) years before the deadline for submission of application.

Each of the contract(s) used as reference to fulfil the minimum requirement must:

- 1) have a contract term of three years or more; and
- 2) be pending or have been completed within the past three years before the deadline for submission of application.

With respect to pending references, it is furthermore a requirement that the helicopter emergency medical service must have been in operation for a minimum of two years (i.e. any implementation period where the helicopter emergency medical service is not yet in operation must not be included when calculating the duration).

III.2. Conditions related to the contract

III.2.2. Contract performance conditions

The contract has incorporated the corporate social responsibility considerations, as appropriate, as laid down in the conventions on the basis of which the principles of the UN Global Compact are worded and as laid down in the OECD Guidelines for Multinational Enterprises. The contract furthermore lays down requirements pursuant to ILO Convention no. 94 on labour clauses in public contracts and Circular no. 9471 of 30 June 2014.

The contract lays down requirements on compliance with the law on processing of personal data.

If the contract is awarded to a group of operators (such as a consortium), the participants of the group must undertake joint and several liability and appoint a joint representative.

The Contracting Authorities have assessed that the conclusion of the contract may be subject to the authorisation requirement pursuant to the Danish Investment Screening Act. See further in the tender conditions.

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

The contracting authority reserves the right to award the contract on the basis of the initial tenders without conducting negotiations

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 050-128676](#)

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

Date: 23/06/2022 Local time: 23:59

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

Date: 04/07/2022

IV.2.4. Languages in which tenders or requests to participate may be submitted

Danish, English

IV.2.6. Minimum time frame during which the tenderer must maintain the tender

Duration in months: 3 (from the date stated for receipt of tender)

Section VI: Complementary information

VI.1. Information about recurrence

This is a recurrent procurement: yes

VI.2. Information about electronic workflows

Electronic invoicing will be accepted

Electronic payment will be used

VI.3. Additional information

Participation in the tendering procedure may only take place by electronic means via the electronic tendering system, see the address set out in section I.3).

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 during the prequalification phase should be submitted not later than 10 June 2022, but see the tender conditions.

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The applicant 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 (udbudsløven) and section 137(1) para 1, 3, 4, 5 and 6 of the Danish Public Procurement Act. It is not necessary for the applicant to sign the ESPD document. Where the applicant is a group of operators (e.g. a consortium), the ESPD document of each participant in the group must be signed by the participant in question. The applicant heading the group and submitting

the application is not required to sign its ESPD document. If the applicant relies on the capacities of other entities, an ESPD must be submitted for and signed by each of the entities on which it relies.

In this procedure, the applicants may rely on the technical and/or financial capacity of other operators to fulfil the suitability requirements stated in section III.1.2) and III.1.3), including for the purpose of selection, see section II.2.9). The operator(s) making its/their technical and/or financial capacity available to the applicant must sign a letter of commitment, see further in the tender conditions. The form is enclosed as an attachment to the tender conditions.

Applicants are excluded from participating in the tender procedure if they are subject to the grounds for exclusion laid down in ss 135-137 of the Danish Public Procurement Act (udbudsløven), unless the applicant has submitted sufficient documentation of its reliability in accordance with section 138 of the Danish Public Procurement Act.

The Contracting Authorities will also exclude a tenderer from participating in the tender procedure if, during the tender procedure, the tenderer becomes subject to the grounds for exclusion provided for in ss 135-137 of the Public Procurement Act.

The voluntary grounds for exclusion are applied while complying with the principle of proportionality. Hence, trivial matters cannot result in the exclusion of the applicant. Several matters which, individually, are less serious in nature may, however, give rise to exclusion of the applicant.

Before the award decision is made, the tenderer to whom the Contracting Authorities 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.

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As regards sections II.1.5) and II.2.6), it should be noted that the amount is an estimate of the contract price for the entire term of the contract, including the price of all options.

It should be noted that each applicant may only submit one application for prequalification. If a legal entity participates in more than one application (in any capacity), the Contracting Authorities may request proof that this has not limited the competition in conflict with applicable competition laws.

The Contracting Authorities expects to carry out one negotiation (expected in early October 2022) with each tenderer on the basis of the tenderer's initial tender (expected deadline 2 September) and award the contract on the basis on the final tender (expected deadline 1 November 2022). However, the contract may be awarded on the basis of the initial tender. For further information on the process of the negotiations, reference is made to the tender conditions.

The Contracting Authorities will pay no remuneration for participating in the tender.

VI.4. Procedures for review

VI.4.1. Review body

Official name: Klagenævnet for Udbud (The Danish Complaints Board for Public Procurement)

Postal address: Nævnenes Hus, Tolboden 2

Town: Viborg

Postal code: 8800

Country: Denmark

E-mail: kifu@naevneshus.dk

Telephone: +45 72405708

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

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.

In other situations, 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 contracting entity has published a notice in the Official Journal of the European Union that the contracting entity has entered into a contract. The deadline is calculated from the day after the day when the notice was published.

2) 30 calendar days calculated from the day after the day when the contracting entity has notified the candidates concerned that a contract based on a framework agreement with reopening of competition or a dynamic purchasing system has been entered into where the notification has included an explanation of the relevant grounds for the decision.

3) 6 months after the contracting entity entered into a framework agreement calculated from the day after the day when the contracting entity notified the candidates and tenderers concerned, see section 2(2) of the Act and section 171(4) of the Danish Public Procurement Act.

4) 20 calendar days calculated from the day after the contracting entity has submitted notification of its decision, see section 185(2) of the Danish Public Procurement Act.

Not later than at the time of lodging a complaint with the Danish Complaints Board for Public Procurement, the complainant must notify the contracting entity 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 (The Danish Competition and Consumer Authority)

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

24/05/2022