

Norway – Construction work – Project: E134 Vågslid-Seljestad - Lot: E134 Røldal-Seljestad

OJ S 109/2024 06/06/2024

Contract or concession notice – standard regime

Works

## 1. Buyer

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### 1.1. Buyer

Official name: Statens vegvesen

Legal type of the buyer: Public undertaking, controlled by a central government authority

Activity of the contracting authority: General public services

## 2. Procedure

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### 2.1. Procedure

Title: Project: E134 Vågslid-Seljestad - Lot: E134 Røldal-Seljestad

Description: The Norwegian Public Roads Administration has planned a new E134 between Vågslid-Seljestad, shown in Figure A2-1. This contract is for construction stage 1 E134 Røldal-Seljestad, which is located in Ullensvang municipality in Vestland county. Construction phase 1 mainly comprises the construction of a new tunnel of approx. 12.4 km, in addition to the existing road. Construction phase 1 is shown in Figure A2-2. A new road and tunnel will satisfy the community goals set for the project.

Procedure identifier: 526f06fb-098c-4a98-8add-42359f8f181e

Internal identifier: 24/86721

Type of procedure:

Negotiated with prior publication of a call for competition / competitive with negotiation

The procedure is accelerated: no

Main features of the procedure: Above the threshold: in accordance with the procurement regulations §5-3 Procurement procedure: competition with negotiations, in accordance with the procurement regulations. § 13-1, cf. § 13-2

#### 2.1.1. Purpose

Main nature of the contract: Works

Main classification (cpv): 45000000 Construction work

#### 2.1.2. Place of performance

Country subdivision (NUTS): Vestland (NO0A2)

Additional information: Ullensvang municipality in Vestland County.

#### 2.1.4. General information

Additional information: A tender conference will be held 18-06-2024, 12:00, meet at Røldalterrassen in Røldal. Registration for the tender conference will be via KGV. The contracting authority has assessed that the procurement has, in its nature, a climate footprint and an environmental impact that is immaterial. The justification is in the tender documentation (Annex 1 Justification for using climate requirements instead of award criteria).

Legal basis:

Directive 2014/24/EU

#### 2.1.6. Grounds for exclusion:

Analogous situation like bankruptcy under national law: Is the supplier in a situation where he has been forced debt arrangement? Specify why, under the mentioned circumstances, one is able to carry out the contract, considering the current national provisions and measures for continuing the business activities? It is not necessary to provide this information if rejection of tenderers made mandatory in accordance with the current national law without the possibility for exceptions.

Bankruptcy: Is the tenderer in a bankruptcy situation? Specify why, under the mentioned circumstances, one is able to carry out the contract, considering the current national provisions and measures for continuing the business activities? It is not necessary to provide this information if rejection of tenderers made mandatory in accordance with the current national law without the possibility for exceptions.

Corruption: Is the tenderer himself or a person, who is a member of the tenderer's administration, management or supervisory body or has the competence to represent or control or make decisions in such bodies, at the enforceable verdict been convicted of corruption by a verdict handed down not more than five years ago, or a rejection period determined directly in the judgement that still applies? Corruption as defined in Article 3 of the convention on corruption, involving servicemen in the European Communities or in European Union member states (EUT C 195 of 25.6.1997, s. 1) and in Article 2, point 1, in the Council's framework decision 2003/568/RIA of 22 July 2003 on combating corruption in the private sector (EUT L 192 of 31.7.2003, p. 54). This rejection reason also includes corruption as defined in national law for the contracting authority or supplier.

Arrangement with creditors: Is the supplier in a situation where he has been forced debt arrangement? Specify why, under the mentioned circumstances, one is able to carry out the contract, considering the current national provisions and measures for continuing the business activities? It is not necessary to provide this information if rejection of tenderers made mandatory in accordance with the current national law without the possibility for exceptions.

Participation in a criminal organisation: Is the tenderer himself or a person, who is a member of the tenderer's administration, management or supervisory body or has the competence to represent or control or make decisions in such bodies, at the legally enforceable verdict been convicted of participation in a criminal organisation by a verdict handed down not more than five years ago, or a rejection period set out directly in the judgement that still applies?

Participation in a criminal organisation as defined in Article 2 in article 2 of The Council's framework decision 2008/841/RIA of 24 October 2008 on combating organised crime (EUT L 300 of 11.11.2008, p. 42)

Agreements with other economic operators aimed at distorting competition: Has the tenderer entered into agreement(s) with other tenderers with the intention of turning the competition?

Breaching of obligations in the fields of environmental law: Is the tenderer aware of breaches of environmental provisions as stated in national law, the relevant notice or procurement documents or Article 18 (2) of Directive 2014/24/EU.

Money laundering or terrorist financing: Is the tenderer himself or a person, who is a member of the tenderer's administration, management or supervisory body or has the competence to represent or control or make decisions in such bodies, in the event of a legal verdict been convicted of money laundering or financing terrorism by a judgement handed down no more than five years ago, or a rejection period set out directly in the judgement that still applies?

Wedding money or financing terrorism As a rejection period determined directly in the judgement that still applies? White money or financing terrorism. defined in Article 1 of the European Parliament and Council Directive 2005/60/EF of 26 October 2005 on preventive measures against the use of the financial system for money laundering and financing terrorism (EUT L 309 of 25.11.2005, p. 15).

Fraud: Is the tenderer himself or a person, who is a member of the tenderer's administration, management or supervisory body or has the competence to represent or control or make decisions in such bodies, at the legally enforceable verdict been convicted of fraud by a verdict handed down not more than five years ago, or a rejection period determined directly in the judgement that still applies? Speed as discussed in Article 1 of the convention on protection of the European Communities' financial interests (EFT C 316 of 27.11.1995, p. 48).

Child labour and other forms of trafficking in human beings: Is the tenderer himself or a person, who is a member of the tenderer's administration, management or supervisory body, or has the competence to represent or control or make decisions in such bodies, at a legally enforceable verdict been convicted of child labour and other forms of human trafficking by a judgement handed down no more than five years ago, or a rejection period determined directly in the judgement that still applies? Barnearbeid and other forms of human trafficking as defined in the judgement that still applies? Barnetworks and other forms of human trafficking as defined in the judgement that still applies? Barnearbeid and other forms of human trafficking as defined as defined in the judgement that still applies? Barnearbeid and other forms of human trafficking as defined in the judgement that still applies? Barnetworks and other forms of human trafficking as defined in the judgement that still applies? Barnearbeid as well as other forms of human trafficking as defined as defined in the judgement? <p article 2 of the European Parliament and the Council's directive 2011/36/EU of 5. April 2011 on the prevention and control of human trafficking and the protection of its victims and for compensation of the Council's framework decision 2002/629/RIA (EUT L 101 of 15.4.2011, p. 1).

Insolvency: Is the tenderer in an insolvency situation? Specify why, under the mentioned circumstances, one is able to carry out the contract, considering the current national provisions and measures for continuing the business activities? It is not necessary to provide this information if rejection of tenderers made mandatory in accordance with the current national law without the possibility for exceptions.

Breaching of obligations in the fields of labour law: Is the tenderer aware of breaches of provisions on working conditions as stated in national law, the relevant notice or procurement documents or Article 18 (2) of Directive 2014/24/EU.

Assets being administered by liquidator: Specify why, under the mentioned circumstances, one is able to carry out the contract, considering the current national provisions and measures for continuing the business activities? It is not necessary to provide this information if rejection of tenderers made mandatory in accordance with the current national law without the possibility for exceptions.

Guilty of misrepresentation, withheld information, unable to provide required documents and obtained confidential information of this procedure: If the tenderer: a) has given grossly incorrect information when notifying the information required to check that there is no basis for rejection, or that the qualification requirements are fulfilled, b) failed to provide such information, c) subject to immediately submitting the supporting documents that the contracting authority requests. ord) improperly affected the contracting authority's decision making process in order to acquire confidential information that may give this an unlawful advantage in connection with the competition, or negligently has given misleading information that could have a significant influence on decisions on rejection, selection or award?

Conflict of interest due to its participation in the procurement procedure: Are tenderers aware of a conflict of interest as stated in national law, the relevant notice or procurement documents?

Direct or indirect involvement in the preparation of this procurement procedure: Has the tenderer or an entity associated with the supplier advised the contracting authority or in another way been involved in the planning of the competition?

Guilty of grave professional misconduct: Has the tenderer committed serious errors in professional practice? If relevant, see the definitions in national law, the relevant notice or procurement documents.

Early termination, damages or other comparable sanctions: Has the tenderer committed significant breaches of contract in connection with the fulfilment of a previous public contract, a previous contract with a public contracting authority or a previous concession contract, where the breach has led to the cancellation of the contract, compensation or other similar sanctions?

Breaching of obligations in the fields of social law: Is the tenderer aware of breaches of provisions on social conditions as stated in national law, the relevant notice or procurement documents or Article 18 (2) of Directive 2014/24/EU.

Payment of social security contributions: Have tenderers failed to fulfil all their social security obligations in the country where they are established and in their member state, if this is a different country than what he is established in?

Business activities are suspended: Specify why, under the mentioned circumstances, one is able to carry out the contract, considering the current national provisions and measures for continuing the business activities? It is not necessary to provide this information if rejection of tenderers made mandatory in accordance with the current national law without the possibility for exceptions.

Payment of taxes: Has the tenderer not fulfilled his tax and duty obligations in the country in which he is established, and in the contracting authority's member state, if this is a different country than what he is established in?

Terrorist offences or offences linked to terrorist activities: Is the tenderer himself or a person, who is a member of the tenderer's administration, management or supervisory body, or has the competence to represent or control or make decisions in such bodies, in the event a legal verdict has been convicted of acts of terrorism or criminal acts connected to terrorist activity by a verdict handed down no more than five years ago, or a rejection period set out directly in the judgement that still applies? Terrorist acts or punishable acts of terrorism. acts relating to terrorist activity as defined in Articles 1 and 3 of the Council's framework decision 2002/475 /RIA of 13 June 2002 on combating terrorism (EFT L 164, af 22.6.2002, p. 3). This rejection reason also includes incitement to, participation or attempts to commit such actions as included in Article 4 in the mentioned framework decision.

## 5. Lot

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### 5.1. Lot: LOT-0000

Title: Project: E134 Vågslid-Seljestad - Lot: E134 Røldal-Seljestad

Description: The Norwegian Public Roads Administration has planned a new E134 between Vågslid-Seljestad, shown in Figure A2-1. This contract is for construction stage 1 E134 Røldal-Seljestad, which is located in Ullensvang municipality in Vestland county. Construction phase 1 mainly comprises the construction of a new tunnel of approx. 12.4 km, in addition to the existing road. Construction phase 1 is shown in Figure A2-2. A new road and tunnel will satisfy the community goals set for the project.

Internal identifier: 1

#### 5.1.1. Purpose

Main nature of the contract: Works

Main classification (cpv): 45000000 Construction work

#### 5.1.2. Place of performance

Country subdivision (NUTS): Vestland (NO0A2)

Additional information: Ullensvang municipality in Vestland County.

### 5.1.3. Estimated duration

Start date: 09/02/2025

Duration end date: 14/05/2031

### 5.1.6. General information

Reserved participation: Participation is not reserved.

Procurement Project not financed with EU Funds.

The procurement is covered by the Government Procurement Agreement (GPA)

Additional information: A tender conference will be held 18-06-2024, 12:00, meet at Røldalterrassen in Røldal. Registration for the tender conference will be via KGV. The

contracting authority has assessed that the procurement has, in its nature, a climate footprint and an environmental impact that is immaterial. The justification is in the tender documentation (Annex 1 Justification for using climate requirements instead of award criteria).

### 5.1.9. Selection criteria

Criterion:

Type: Economic and financial standing

Name: The Contractor's economic and financial capacity

Description: Tenderers shall have sufficient economic and financial capacity to fulfil the contract, and shall also fulfil the following requirements: 1. Tenderers shall have equity of minimum NOK 100 million. 2. Tenderers shall have an equity ratio of at least 10%. 3. Tenderers shall have an average annual turnover of minimum NOK 500 million in the last three financial years.

Use of this criterion: Used

Criterion:

Type: Suitability to pursue the professional activity

Name: The contractor's organisational and legal position.

Description: The contractor shall be a legally established company or consist of a community of contractors who are legally established companies. The requirement also applies to entities that the contractor will use, cf. point 4.1 below. The contractor shall not be a unit that is affected by the ban in the sanctions regulations of Ukraine § 8n.

Use of this criterion: Used

The criteria will be used to select the candidates to be invited for the second stage of the procedure

Maximum number of tenders passing: 5

Criterion:

Type: Technical and professional ability

Name: The contractor's technical and professional qualifications.

Description: Tenderers shall have sufficient experience with the execution of road projects of a relevant nature and degree of difficulty. The contractor shall, in addition, have sufficient experience of a relevant nature and degree of difficulty from the following central works. 1. Construction of a tunnel for transport based on blasting, rock protection and rock injection. 2. Construction of road installations 3. Tunnel electro and automation 4. Model based engineering design 5. Model based construction The contractor shall have experience from the execution of the central works as mentioned above. If the contractor only has experience from, for example, managing contractual partners, the contractor must rely on other entities that

have the necessary experience from the execution of the relevant central works, see B2 point 4.1. For this competition the builder will select up to three to five qualified contractors who will be invited to submit a tender and participate in the negotiations, cf. the tender documentation chapter B3. The selection among the qualified contractors will be based on the builder's evaluation of which of the qualified contractors best fulfil the following selection criteria: • The tenderer's technical and professional qualifications in accordance with the qualification requirements point 2.4.1. The assessment will be based on the documentation for equivalent qualification requirements, cf. point 2.4.1.

Use of this criterion: Not used

Criterion:

Type: Technical and professional ability

Name: Health, environment and safety (HSE) and quality - HSE system.

Description: Tenderers shall have an HSE system that fulfils the requirements in the Regulations on systematic health, environment and safety work in entities (the Internal Control Regulations). The system shall be subject to regular audits.

Use of this criterion: Used

Criterion:

Type: Technical and professional ability

Name: Health, safety and the environment (HSE) and quality - Accident rate (H2-value).

Description: The contractor, and the contract helpers that he will use to fulfil the technical and professional qualification requirements in point 2.4.1, cf. 4.1, shall have an average H2 for the last three years, which is 12 or lower. If the H2-value is higher than 12, an account shall be provided of the developing trend for the H2-value. In such cases the builder will undertake an overall assessment based on the contractor's account and, on this basis, will still be able to qualify the contractor at this point. Particular events and trends in the account will be emphasised in the overall assessment. If the contractor is a working partnership (supplier consortium), the requirements apply for each of the participants. The H2-value is defined as the number of work accidents with and without absence, divided by the hours performed multiplied by 106.

Use of this criterion: Used

Criterion:

Type: Technical and professional ability

Name: Health, environment and safety (HSE) and quality - Management system for the environment.

Description: Tenderers shall be certified in accordance with ISO 14001 (2015), EMAS (EU Eco-Management and Audit Scheme for Environmental Management), or The Eco-Lighthouse Scheme, with relevance to equivalent transport projects.

Use of this criterion: Used

Criterion:

Type: Technical and professional ability

Name: Health, environment and safety (HSE) and quality - Management system for quality

Description: The contractor shall be certified in accordance with ISO 9001 (2015), of relevance for equivalent transport projects.

Use of this criterion: Used

Criterion:

Type: Technical and professional ability

Name: Award Criteria

Description: A contract will be awarded to the tenderer with the tender that provides the best relationship between price and quality, cf. the procurement regulations § 18-1 letter c). The following award criteria will form the basis of the evaluation: K1: Tender Sum K2: Organisation and offered key personnel K3: Implementation of the assignment K4: Outer environment and aesthetic quality K5: Reduction of greenhouse gas emissions

Use of this criterion: Used

Information about the second stage of a two-stage procedure:

Minimum number of candidates to be invited for the second stage of the procedure: 3

Maximum number of candidates to be invited for the second stage of the procedure: 5

#### 5.1.11. Procurement documents

Address of the procurement documents: [https://eu.eu-supply.com/app/rfq/rwlenrance\\_s.asp?PID=404960&B=](https://eu.eu-supply.com/app/rfq/rwlenrance_s.asp?PID=404960&B=)

#### 5.1.12. Terms of procurement

Terms of submission:

Electronic submission: Required

Address for submission: [https://eu.eu-supply.com/app/rfq/rwlenrance\\_s.asp?PID=404960&B=](https://eu.eu-supply.com/app/rfq/rwlenrance_s.asp?PID=404960&B=)

Languages in which tenders or requests to participate may be submitted: Norwegian

Electronic catalogue: Not allowed

Deadline for receipt of requests to participate: 08/07/2024 10:00:00 (UTC)

Terms of contract:

Electronic invoicing: Required

Electronic ordering will be used: yes

Electronic payment will be used: yes

#### 5.1.15. Techniques

Framework agreement: No framework agreement

Information about the dynamic purchasing system: No dynamic purchase system

#### 5.1.16. Further information, mediation and review

Review organisation: Oslo tingrett

## 8. Organisations

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### 8.1. ORG-0001

Official name: Statens vegvesen

Registration number: 971032081

Department: Fellesfunksjoner

Postal address: Skoggata 19

Town: Moss

Postcode: 1500

Country: Norway

Contact point: Frode Lykkebø

Email: [firmapost@vegvesen.no](mailto:firmapost@vegvesen.no)

Telephone: +47 22073000

Internet address: <https://www.vegvesen.no>

Buyer profile: <https://eu.eu-supply.com/ctm/company/companyinformation/index/249176>

**Roles of this organisation:**

Buyer

**8.1. ORG-0002**

Official name: Oslo tingrett

Registration number: 926725939

Postal address: C.J. Hambros plass 4

Town: Oslo

Postcode: 0125

Country: Norway

Email: [oslo.tingrett@domstol.no](mailto:oslo.tingrett@domstol.no)

Telephone: +47 22035200

**Roles of this organisation:**

Review organisation

11. Notice information

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**11.1. Notice information**

Notice identifier/version: 28d8769b-5910-4e53-9cb2-b108de5e2eaf - 01

Form type: Competition

Notice type: Contract or concession notice – standard regime

Notice dispatch date: 04/06/2024 15:07:15 (UTC)

Notice dispatch date (eSender): 04/06/2024 15:30:36 (UTC)

Languages in which this notice is officially available: English

**11.2. Publication information**

Notice publication number: 335544-2024

OJ S issue number: 109/2024

Publication date: 06/06/2024