

Denmark-Fredericia: Wastewater treatment plant construction work

OJ S 138/2020 20/07/2020

Contract notice

Works

Legal Basis:

Directive 2014/24/EU

Section I: Contracting authority

I.1. Name and addresses

Official name: Danish Oil Pipe A/S

National registration number: 34 89 00 21

Postal address: Kraftværksvej 53

Town: Fredericia

NUTS code: DK032 Sydjylland

Postal code: 7000

Country: Denmark

Contact person: Christian Østby-Svanholm

E-mail: xchlm@orsted.dk

Telephone: +45 29246106

Internet address(es):Main address: www.orsted.dkAddress of the buyer profile: www.orsted.dk**I.3. Communication**

The procurement documents are available for unrestricted and full direct access, free of charge, at: <https://dongenergy.scanmarket.com/SupplierRegistration/NewSupplier?eventId=374032&ccsum=b1f1907a9a791f0227e8bba9ea1bfc88>

Additional information can be obtained from the abovementioned address

Tenders or requests to participate must be submitted electronically via: [https://dongenergy.](https://dongenergy.scanmarket.com/SupplierRegistration/NewSupplier?eventId=374032&ccsum=b1f1907a9a791f0227e8bba9ea1bfc88)

[scanmarket.com/SupplierRegistration/NewSupplier?eventId=374032&ccsum=b1f1907a9a791f0227e8bba9ea1bfc88](https://dongenergy.scanmarket.com/SupplierRegistration/NewSupplier?eventId=374032&ccsum=b1f1907a9a791f0227e8bba9ea1bfc88)

I.4. Type of the contracting authority

Body governed by public law

I.5. Main activity

General public services

Section II: Object

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

Permanent MBBR Project

Reference number: DE-024227

II.1.2. Main CPV code

45252127 Wastewater treatment plant construction work

II.1.3. Type of contract

Works

II.1.4. Short description

This tender concerns the procurement of:

(a) an EPC Turnkey delivery of a wastewater treatment plant with a biological treatment step based on MBBR technology for Danish Oil Pipe A/S' Oil Terminal in Fredericia, Denmark; and
(b) an O&M Contract for operation and maintenance of the delivered MBBR Plant. Both contracts are awarded combined as one lot (the reasoning for this is described in the tender conditions). The estimated value below in section II.1.5) is based on the expected costs of the EPC Turnkey wastewater treatment plant followed by four (4) years of full operation and maintenance of the plant. The calculation of four (4) years of full operation is applied, cf. the Danish Public Procurement Act, Section 38.

II.1.5. Estimated total value

Value excluding VAT: 21 500 000,00 EUR

II.1.6. Information about lots

This contract is divided into lots: no

II.2. Description

II.2.2. Additional CPV code(s)

90481000 Operation of a sewage plant, 65120000 Operation of a water-purification plant, 45259100 Wastewater-plant repair and maintenance work, 42996000 Machinery for the treatment of sewage, 45232420 Sewage work, 90420000 Sewage treatment services, 90513800 Sludge treatment services, 45252140 Sludge-dewatering plant construction work, 45232422 Sludge-treatment works

II.2.3. Place of performance

NUTS code: DK032 Sydjylland

Main site or place of performance: Vejlbyvej 30, DK-7000 Fredericia.

II.2.4. Description of the procurement

Danish Oil Pipe A/S ('DOP') owns a crude oil transportation system, which includes the off-shore tie-in platform Gorm 'E', 330 km pipeline across the peninsula of Jutland to crude storage and export facilities adjacent to the Shell Refinery in Fredericia, Denmark.

At the offshore production platform formation water is separated from the crude. However, not all the water can be separated here, and a small proportion follows the crude oil and is separated at the oil terminal. DOP has decided to purchase a wastewater treatment plant in order to further treat the wastewater from the existing Lurgi wastewater treatment plant. The new wastewater treatment plant ('the new MBBR Treatment Plant') must include a biological treatment step based on MBBR technology, but may also include pre- and/or post-treatment plants according to tenderers proposed design in order to meet specified requirements from authorities for the cleaned water.

This tender concerns the procurement of:

(a) an EPC Turnkey delivery of the new MBBR Treatment Plant for DOP's Oil Terminal in Fredericia, Denmark; and

(b) an O&M contract for operation and maintenance of the delivered MBBR Treatment Plant. Both contracts are awarded combined as one lot.

The contractor shall design, execute and complete and later operate and maintain the new MBBR Treatment Plant, which can treat formation water from the existing Lurgi treatment plant

allowing wastewater from the combined treatment to be discharged to public sewer. The local wastewater utility company, Fredericia Spildevand, has laid down discharge requirements which the discharged wastewater shall always comply with. Please see tender documents for details. The design parameters of the new MBBR Treatment Plant is an inlet flow of 700 m³ /day.

The new MBBR Treatment Plant shall be designed with focus on the removal of COD, of which a large part is likely to be hard degradable, and with wastewater of high salinity. The EPC contract is based on the FIDIC 1999 Conditions of contract for plant and design-build (Yellow Book), First edition, adapted to Ørsted, Danish Oil Pipe A/S' standards – applicable to Danish Law — June 2018. The O&M Contract is based on Ørsted, Danish Oil Pipe A/S' Conditions of contract.

The anticipated progress of the negotiation procedure is as follows:

- 1) All pre-qualified tenderers are invited to submit a preliminary offer with a draft design, budgetary price, and possible reservations to the tender material. The preliminary offer will be the basis of the first negotiation round.
- 2) All pre-qualified tenderers are invited to submit a revised offer. Thus, all tenderers will have the opportunity to submit a first offer and a revised offer and to participate in at least one round of negotiations. The revised tender will be considered the Tenderer's BAFO, unless the contracting entity decides that one or more additional round(s) of negotiations with all tenderers are necessary.
- 3) If the contracting entity considers it necessary, it may call for one or more additional rounds of negotiations. The contracting entity reserves the right to nominate a short list of tenderers for the additional negotiations. Accordingly, not all tenderers will necessarily be invited to participate in the additional negotiations.

For further information about the negotiation procedure please see the tender conditions.

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: 21 500 000,00 EUR

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

Start: 16/03/2021

This contract is subject to renewal: yes

Description of renewals:

The tender consists of two combined contracts:

- 1) an EPC Turnkey delivery of a wastewater treatment plant incl. civil works; and
- 2) an O&M Contract for the delivered plant.

The EPC Turnkey project should be delivered for taking over in accordance with the schedule of payments in the tender material. The O&M contract has indefinite duration, if not terminated by employer or contractor.

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:

If the number of compliant applicants applying for pre-qualification exceeds four (4), the contracting entity will perform the pre-qualification on the basis of an evaluation of the following criteria: experience.

The assessment of the applicant's experience will be based on the contracting entity's evaluation of the information regarding experience, cf. section III.1.3). It will be considered positive the more relevant and comparable the experience is to the tendered scope cf. section II.2.4). As a result, the number of references will not be the determining factor, but more importantly to which degree the submitted references — in whole — are relevant and comparable to the tendered assignment regarding solution and scope, especially concerning the following relevant experience:

- documented experience with designing, building and operation and maintenance of Wastewater Treatment Plants based on MBBR Technology;
- documented experience with treatment of residual wastewater with hard degradable COD and high salinity.

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

Please note that this is a negotiated procedure. The tender documents may as a result undergo changes as part of the negotiation process.

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:

The applicant shall provide the following figures in the eESPD part IV.B: 'Economic and financial standing' with information from the latest and approved annual report released from tenderer prior to the deadline of requests to participate regarding the following economic indicators:

- 1) equity (total equity incl. share capital, reserves, revaluation, retained earning, etc.);
- 2) equity ratio (equity/total assets).

If the applicant is:

(a) relying on the capacities of one or more other entities (e.g. a parent or sister company or a subcontractor); or

(b) the applicant is a group of economic operators (e.g. a consortium) the information for the eESPD part IV.B must also be given in a separate eESPD from each of these entities including information on joint and several liabilities towards the contracting entity for the performance of the contract as a whole. It is the sole responsibility of the applicant to secure that the minimum level(s) of standards required are reached when the applicant is relying on the capacity of other entities or when the applicant is a group of economic operators (e.g. a consortium).

The applicant is encouraged to submit a description of its ownership and corporate structure. If the applicant is a subsidiary, the applicant is encouraged to submit the name of the highest possible group parent – being an entity directly or indirectly controlling more than 50 % of the applicant. The information may be provided in part V of the eESPD. The contracting entity

reserves the right to set a deadline for submission of the description of ownership structure after the deadline for request to participate.

If the applicant relies financially on another legal entity, and this entity is a parent company to the applicant and the companies have consolidated accounts, it is possible to submit financial information for the parent company only but it shall be made clear from part II C of the eESPD that the Applicant relies on the economic and financial information of the parent company or any other supporting entity by ticking 'yes' in section II C of the eESPD: 'Does the economic operator rely on the capacities of other entities...?'

If the applicant is part of a profit sharing agreement with another legal entity, cf. for example Germany's Ergebnisabführungsvertrag or equivalent legal arrangement or if the parent company of the applicant has made a statement according to the Dutch Civil Code article 2: 403 (a '403 statement') or equivalent legal arrangement, the Applicant should declare in the eESPD part II C that it relies on another entity. Further the supporting entity shall fill out a separate eESPD. The applicant or the supporting entity should explicitly mention the profit-sharing agreement/403 statement in the eESPD part V. In case of a profit-sharing agreement the evaluation will be based on the figures for the financially strongest entity participating in the arrangement. Only this company has to insert financial figures in the eESPD part V. In case of support from a parent company the information will be based on financial figures from both entities which accordingly both have to insert financial figures in the eESPD part V, unless the applicant and the companies have consolidated accounts, cf. above.

Minimum level(s) of standards possibly required:

Concerning 1: equity from the latest and approved annual report released from Tenderer prior to the deadline of requests to participate must be at least EUR 7 000 000.

Concerning 2: equity ratio from the latest and approved annual report released from Tenderer prior to the deadline of requests to participate must be at least 20 pct. If the equity ratio is between 15 pct. and 20 pct. the Applicant can qualify if equity exceeds the total expected amount of the contract.

Documentation for information in the eEPSD:

Danish Oil Pipe A/S will request all ESPD documentation just after the decision on pre-qualification, cf. the Danish Tender Act § 151 (2).

Financial information in the ESPD Part IV, Section B – Selection criteria must be verified.

Verification can be done by submitting:

- annual accounts for the relevant financial years; or
- by the auditor's statement.

Unless the contracting entity can obtain the relevant information directly through access to a national database or if the contracting entity already has the necessary information from previous tender procedures.

III.1.3. Technical and professional ability

List and brief description of selection criteria:

A. Please submit information about your experience with designing, building and/or operation and maintenance of Wastewater Treatment Plants based on MBBR Technology, and/or experience with treatment of residual wastewater from crude oil undertaken in the past five (5) years. The number of references shall be no more than five (5). If more than five (5) references are submitted, only the five (5) newest references (delivery start) will be considered. Please state the references in the eESPD part IV.C: 'Technical and professional ability'.

Undertaken in the past 5 years implies that an EPC reference must not have been completed prior to the date reached when counting 5 years backwards from the submission date for pre-qualification. For an O&M reference, only services delivered within the past 5 years prior to the

date reached when counting 5 years backwards from the submission date for pre-qualification will be included in the evaluation. References older than this will not be taken into consideration. References which have not yet been fully completed can be included as part of the application, but if this is the case, the applicant must describe the parts which have not yet been delivered and this may affect the evaluation of the applicant, cf. section II.2.9).

Applicants are encouraged to include the following information for each reference:

- project name, project location and contact information for the entity in question (the contracting entity reserves the right to find or request contact information after submission);
- contract value — preferable with a split into EPC and O&M respectively (if possible);
- date of initiation and final delivery (day, month, year);
- description of the work including:
 - description of the project;
 - deliverables performed within designing, building and operation and maintenance of wastewater treatment plants in the project;
 - applied wastewater treatment plants and choice of technology, including whether MBBR technology was included;
 - whether the wastewater treatment plant included treatment of wastewater with hard degradable COD and high salinity.

Each reference should preferably not exceed 2 pages (A4 normal format) for the description of the work.

Any ambiguities and/or incomprehensibilities concerning the above information may have a negative effect on the selection of candidates, cf. section II.2.9), but will not in itself lead to non-compliance. Please note the 'description' box can contain more text than is visible. I.e. it is possible to copy and paste text into the box.

If the applicant wishes to improve its technical and professional assessment by relying on the technical capacity of another legal entity, the applicant must indicate this by ticking 'yes' in part II C of the eESPD, and the supporting legal entity must fill in a separate eESPD with the relevant information.

B. It is a minimum requirement that the applicant is covered by a quality management system in compliance with ISO 9001:2015 or equivalent.

Minimum level(s) of standards possibly required:

Ad A) At least 1 reference must document experience with designing and building a wastewater treatment plant based on MBBR technology.

Ad B) A quality assurance standard or QA/QC program in compliance with ISO 9001:2015 (or equivalent) (to be documented with request for documentation based on information submitted in the eESPD).

Documentation for information in the eESPD:

Danish Oil Pipe A/S will request all ESPD documentation just after the decision on pre-qualification, cf. the Danish Tender Act § 151 (2).

References:

Information on references provided in the ESPD Part IV, Section C – Selection criteria is not required to be verified. The contracting entity does, however, reserve the right to contact the reference customers to verify content of the reference.

Quality assurance standard:

Information that the applicant is covered by a quality assurance standard or QA/QC program in compliance with ISO 9001:2015 or equivalent.

III.2. Conditions related to the contract

III.2.2. Contract performance conditions

The information is stated in the tender documents.

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.1.4. Information about reduction of the number of solutions or tenders during negotiation or dialogue

Recourse to staged procedure to gradually reduce the number of solutions to be discussed or tenders to be negotiated

IV.1.5. Information about negotiation

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

Date: 25/08/2020 Local time: 13:00

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

Date: 09/09/2020

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 ordering will be used

Electronic invoicing will be accepted

VI.3. Additional information

The application for pre-qualification can be submitted in Danish or English. However, the tender must be submitted in English only, cf. the tender conditions.

The applicant must submit a completed eESPD to apply for pre-qualification for this tender procedure through Scanmarket, cf. link in section I.1) above. Applications not submitted via Scanmarket or received after the deadline will not be accepted.

The XML-file for completing the eESPD for this tender can be found via Scanmarket. The eESPD can be completed using the XML-file in the links:

<http://www.base.gov.pt/deucp/> or <https://uea.publicprocurement.be/>

The eESPD is a self-declaration form which serves as initial documentation that the applicant, other entities or participants in e.g. a consortium meets the criteria for exclusion, suitability, and selection. This information must subsequently be verified.

Danish Oil Pipe A/S will request all ESPD documentation just after the decision on pre-qualification, cf. the Danish Public Procurement Act § 151 (2).

The applicant must confirm that the applicant (and other entities or participants in e.g. a consortium) is not covered by the mandatory exclusion grounds laid down in section 135 (1) - (3) and section 136 of the Danish Public Procurement Act. Otherwise, the contracting entity is obliged to exclude the applicant, see, however, section 135(4) and (5) of the Danish Public Procurement Act.

The applicant must further confirm that the applicant (and other entities or participants in e.g. a consortium) is not covered by the following optional exclusion grounds cf. section 137 (1), No 2 of the Danish Public Procurement Act:

— conditions concerning insolvency/bankruptcy or the like cf. No 2.

Documentation:

In continuation of the notification of pre-qualification, the tenderer, other entities and participants in e.g. a consortium must, at the contracting entity's request, submit documentation in accordance with sections 144 and 152 of the Danish Public Procurement Act for the information provided in the ESPD in connection with the pre-qualification.

The documentation includes:

- A. exclusion grounds;
- B. economic and financial standing;
- C. technical and professional ability — references;
- D. documentation of certifications for ISO 9001 or equivalent;
- E. letter of support and declaration of joint and several liability.

For details about the documentation to be submitted please see tender conditions.

Please note:

- where an applicant rely on the capacities of other entities, it shall prove to the contracting entity that it will have at its disposal the resources necessary, for example, by producing a commitment by those entities to that effect, which must be submitted as part of the final documentation. Please use the letter of support template in the tender documents;
- further, the final documentation must include a signed declaration by all parties of the group of economic operators (joint venture, consortium or other) stating that all economic operators assume joint and several liabilities towards the contracting entity for the performance of the contract as a whole;
- conditions relating to the Contract will be stated in the tender documents, however, please note that the Contracting Entity reserves the right to demand a performance security (for proper performance of all obligations under the contract) comprising:
 - (a) an on-demand performance bond issued by a bank or insurance company with a rating specified in the tender material.

If the applicant is a subsidiary, the contracting entity also reserves the right to demand:

(b) a parent company guarantee provided by a parent within the group ('Parent Company Guarantee').

— the applicant and parent company, if any, may be requested to deliver updated annual accounts during the duration of the contract;

— the reasons for not dividing into lots is described in the tender conditions;

— tenderers are not invited to be present at the opening of the tenders.

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: kflu@naevneneshus.dk
Telephone: +45 72405600
Internet address: <https://naevneneshus.dk/>

VI.4.3. Review procedure

Precise information on deadline(s) for review procedures:

Complaints about not having been pre-qualified must be filed with the Complainants Board for Public Procurement (Klagenævnet for Udbud) within 20 (twenty) calendar days from the day after the day when the contracting entity has notified the applicants in question about the result of the pre-qualification, provided that the notification contains a short statement of relevant reasoning behind the decision. The complainant must notify the contracting entity in writing of the filing at the latest when complaint is filed.

Other complaints must be filed with The Complainants Board for Public Procurement within:

1) 45 calendar days after the contracting entity has published a contract award notice in the Official Journal of the European Union (with effect from the day following the publication date).

VI.4.4. Service from which information about the review procedure may be obtained

Official name: Konkurrence- og Forbrugerstyrelsen
Postal address: Carl Jacobsen 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

16/07/2020