

Denmark-Copenhagen: Environmental services
OJ S 110/2023 09/06/2023
Contract award notice
Services

Legal Basis:

Directive 2014/24/EU

Section I: Contracting authority

I.1. Name and addresses

Official name: Energistyrelsen (Danish Energy Agency)

National registration number: 59778714

Postal address: Carsten Niebuhrs Gade 43

Town: Copenhagen

NUTS code: DK01 Hovedstaden

Postal code: 1577 København V

Country: Denmark

Contact person: Tina Schøn, Henrik Sulsbruck

E-mail: tnsn@ens.dk

Telephone: +45 33927445

Internet address(es):

Main address: <https://ens.dk/ansvarsomraader/ccs-fangst-og-lagring-af-co2>

I.4. Type of the contracting authority

Ministry or any other national or federal authority, including their regional or local subdivisions

I.5. Main activity

Other activity: The Danish Energy Agency is responsible for production, delivery and use of energy, as well as efforts to pursue reductions of greenhouse gas emissions.

Section II: Object

II.1. Scope of the procurement

II.1.1. Title

Tender for Contract on subsidy for carbon capture, transport and storage

II.1.2. Main CPV code

90700000 Environmental services

II.1.3. Type of contract

Services

II.1.4. Short description

With the Danish Climate Agreement for Energy and Industry of 22 June 2020, a majority of the Danish Parliament decided that carbon capture and storage is to be an important element in achieving Denmark's climate policy objectives. This prompted the setting up of technologically neutral and market-based funds (CCUS funds) of DKK 16 billion scheduled for deployment between 2024-2048. The funds are deployed in two phases. This tender concerns the first phase. The DEA considers the deployment of funds for the first phase and conclusion of the

contract to be a subsidy scheme encompassed by the European Commission's Guidelines on State aid for climate, environmental protection and energy 2022. The designation of the contract as a services contract in section II.1.3) etc. does not change this. The competitive bidding process for the first phase was conducted as a negotiated procedure in accordance with the rules and principles of section II of the Danish Public Procurement Act.

II.1.6. Information about lots

This contract is divided into lots: no

II.1.7. Total value of the procurement

Value excluding VAT: 8 168 000 000,00 DKK

II.2. Description

II.2.2. Additional CPV code(s)

90720000 Environmental protection

II.2.3. Place of performance

NUTS code: DK Danmark

II.2.4. Description of the procurement

The DEA wished to enter into one Contract pursuant to which the recipient of the subsidies ("the Operator") shall ensure and be responsible for capture, transportation and permanent storage of CO₂ ("the Contract"). The funds are intended to provide subsidy for carbon capture and storage on flue gasses emitted by incineration. The funds are not intended to provide subsidy for carbon capture and storage on biogenic sources emitted without incineration. See https://kefm.dk/Media/637750803075155837/Faktaark_Tilskudspuljer%20til%20fangst%20og%20lagring%20af%20CO%E2%82%82_V02.pdf. The funds are not intended to provide subsidy for carbon emissions that originate from flaring related to oil and gas production in the Danish North Sea. As described in the tender documents the Operator shall ensure that the CO₂ reductions equate to a minimum quantity of 0.4 MT captured and permanently stored CO₂ per year starting with year 2026. The Operator may also capture and permanently store CO₂ from start of operation until 31 December 2025, and/or capture and permanently store additional quantities of CO₂ from 1 January 2026. The Operator may deliver the reductions with one point source, a combination of point sources or a portfolio of several point sources. The subsidy will be paid per ton CO₂ captured and permanently stored. If the Operator achieves a larger quantity of reductions than the guaranteed quantity in any given year, the Operator may receive subsidy for such larger quantity if and to the extent that there are available funds within the limit of the yearly maximum allocated subsidy. In addition to the CO₂ reductions, the Operator shall deliver various documentation and reporting and make available various information/knowledge, data, etc. to the DEA and to third parties. The Contract is expected to have a duration of approx. 20-21 years of operation (in addition to the prior pre-construction and construction phases), unless terminated earlier in accordance with the terms set out in the Contract. The Contract has been subject to a prior publication of call for competition in the Official Journal of the European Union, see Contract Notice no. [2022/S 111-312435](#), published 10 June 2022, as amended by notice [2022/S 128-365765](#) and [2023/S 023-064608](#). As part of the procedure (a negotiated procedure) the DEA made - prior to and in connection with the negotiations in the negotiation phase of the tender procedure - changes and clarifications to the tender documents. The changes and clarifications are described in the voluntary ex ante transparency notices no. [2023/S 043-127149](#), published 1 March 2023, and [2023/S 096-](#)

[300720](#), published 19 May 2023, and the revised tender documents are also made publicly available on the website stated in section I.1). The DEA chose to publish the voluntary ex ante transparency notices in connection with the negotiations and the decision to award the Contract, see further in section VI.3) of this contract award notice. The DEA has notified the funds to the European Commission as an aid scheme in accordance with the procedure prescribed by Article 108 of the Treaty on the Functioning of the European Union and has received the European Commission's prior approval.

II.2.5. Award criteria

Quality criterion - Name: Project Maturity / Weighting: 20

Quality criterion - Name: Ramp-up Quantity / Weighting: 10

Quality criterion - Name: Additional Quantity / Weighting: 10

Price - Weighting: 60

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

Section II.1.7) and V.2.4): This is the maximum available subsidy for the entire duration of the Contract (subject to indexation). The subsidy is including VAT.

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.1.8. 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 111-312435](#)

IV.2.8. Information about termination of dynamic purchasing system

IV.2.9. Information about termination of call for competition in the form of a prior information notice

Section V: Award of contract

Contract No: 1

Title:

Tender of Contract on subsidy for carbon capture, transport and storage

A contract/lot is awarded: yes

V.2. Award of contract

V.2.1. Date of conclusion of the contract

31/05/2023

V.2.2. Information about tenders

Number of tenders received: 2

Number of tenders received by electronic means: 2

The contract has been awarded to a group of economic operators: no

V.2.3. Name and address of the contractor

Official name: Ørsted Bioenergy & Thermal Power A/S

National registration number: 27446469

Postal address: C/O Ørsted A/S Kraftværksvej 53 Skærbæk

Town: Fredericia

NUTS code: DK Danmark

Postal code: 7000

Country: Denmark

The contractor is an SME: no

V.2.4. Information on value of the contract/lot

Total value of the contract/lot: 8 168 000 000,00 DKK

V.2.5. Information about subcontracting

Section VI: Complementary information

VI.3. Additional information

This contract award notice relates to the DEA's contract notice no. [2022/S 111-312435](#), published 10 June 2022, as amended by notice [2022/S 128-365765](#) and [2023/S 023-064608](#), and the DEA's voluntary ex ante transparency notices no. [2023/S 043-127149](#), published 1 March 2023, and [2023/S 096-300720](#), published 19 May 2023. As stated in section II.2.4) the Contract has been subject to a prior publication of call for competition in the Official Journal of the European Union, see Contract Notice no. [2022/S 111-312435](#), published 10 June 2022, as amended by notice [2022/S 128-365765](#) and [2023/S 023-064608](#). The DEA published the voluntary ex ante transparency notices, see references above, with the wish to promote transparency regarding the process and the changes and clarifications made in connection with the negotiation phase, and the notices concerns the DEA's changes and clarifications to the tender documents made in the tender procedure. As stated in the voluntary ex ante transparency notices the DEA considered the changes and clarifications to be in accordance with the public procurement rules as the changes and clarifications are made within the confines of the tender material and do not include changes to Minimum Requirements or fundamental elements.

VI.4. Procedures for review

VI.4.1. Review body

Official name: Klagenævnet for Udbud

Postal address: Nævnenes Hus, Toldboden 2

Town: Viborg

Postal code: 8800

Country: Denmark

E-mail: klfu@naevneneshus.dk

Telephone: +45 72405600

Internet address: <https://klfu.naevneneshus.dk/>

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. Other 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 (i.e. this contract award notice) was published.

Furthermore, pursuant to section 7(3) of the Act, in the case where the contracting authority has followed the procedure in section 4, complaints regarding that a contracting authority in conflict with Directive 2014/24/EU has entered into a contract without prior publication of a contract notice in the Official Journal of the European Union, must be filed with Danish Complaints Board for Public Procurement within 30 calendar days calculated from the day after the day when the contracting entity has published a notice (i.e. this contract award notice) in the Official Journal of the European Union regarding that the contracting entity has entered into a contract, provided that the notice includes the reasons for the contracting entity's decision to award the contract without prior publication of a contract notice in the Official Journal of the European Union.

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

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

06/06/2023