

Denmark-Taastrup: IT services: consulting, software development, Internet and support
OJ S 122/2023 28/06/2023
Contract notice – utilities
Services

Legal Basis:

Directive 2014/25/EU

Section I: Contracting entity

I.1. Name and addresses

Official name: DSB

National registration number: 25 05 00 53

Postal address: Telegade 2

Town: Taastrup

NUTS code: DK01 Hovedstaden

Postal code: 2630

Country: Denmark

Contact person: Kathrine Conda

E-mail: kadc@dsb.dk

Telephone: +45 24680000

Internet address(es):

Main address: <https://dsb.dk>

Address of the buyer profile: <https://eu.eu-supply.com/ctm/Company/CompanyInformation/Index/63264>

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=361999&B=DSB

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=361999&B=DSB

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

I.6. Main activity

Railway services

Section II: Object

II.1. Scope of the procurement

II.1.1. Title

Contract for a SaaS Solution of an Inventory Management Solution

II.1.2. Main CPV code

72000000 IT services: consulting, software development, Internet and support

II.1.3. Type of contract

Services

II.1.4. Short description

DSB is planning to procure a new Inventory Management solution for managing seat reservations and rail inventory (commercial availability). The Solution must be able to handle train configuration on different train types and manage seating plans for the trains received from planning systems and relevant timetable systems. The Solution must be able to perform seat reservations and allocation dynamically and share this information as well as inventory availability with other relevant DSB systems. Seat enquiries from other operators, currently connected via Hermes/Heros, must be handled in the Solution.

The purpose is to procure a standard solution provided as a SaaS solution of an Inventory Management Solution to replace the current system (Plads90).

II.1.5. Estimated total value

Value excluding VAT: 500 000 000,00 DKK

II.1.6. Information about lots

This contract is divided into lots: no

II.2. Description

II.2.2. Additional CPV code(s)

48000000 Software package and information systems, 48180000 Medical software package, 48210000 Networking software package, 72212211 Platform interconnectivity software development services, 72261000 Software support services, 72263000 Software implementation services, 72265000 Software configuration services, 72266000 Software consultancy services, 72267100 Maintenance of information technology software

II.2.3. Place of performance

NUTS code: DK02 Sjælland

II.2.4. Description of the procurement

DSB is planning to procure a new Inventory Management solution for managing seat reservations and rail inventory (commercial availability). The Solution must be able to handle train configuration on different train types and manage seating plans for the trains received from planning systems and relevant timetable systems. The Solution must be able to perform seat reservations and allocation dynamically and share this information as well as inventory availability with other relevant DSB systems. Seat enquiries from other operators, currently connected via Hermes/Heros, must be handled in the Solution.

The purpose is to procure a standard solution provided as a SaaS solution of an Inventory Management Solution to replace the current system (Plads90).

The following main services can be highlighted covered by the contract of the Solution:

A) Delivery of standard configurable SaaS Inventory Management Solution:

i) The Solution must be able to handle train configuration on different train types and manage seating plans for the train services received from planning systems and relevant timetable systems using a standard API based on modern open industry standards provided by the Solution.

ii) The Solution must provide a high level of automation in loading operational data as well as in the handling of train cancellations, disruption, rebooking and reservation conflict management etc.

iii) The Solution must be able to perform seat reservations and allocation and share this information as well as inventory availability with other relevant systems using a standard API based on modern open industry standards provided by the Solution.

iv) The Solution must be able to optimize occupancy with a flexible and configurable seat assignment algorithm that takes into account split/merge/attachment/detachment of train services.

B) Implementation of a standard solution:

v) The Supplier must support DSB in the integration/implementation effort.

C) Operation, maintenance and support of a solution which demands a very high degree of stability and further development of the solution focusing on innovation to ensure a solution that is fully up-to date and consultancy regarding the solution:

vi) The Supplier must have a detailed roadmap for the solution to ensure that the solution is future-proof and is kept up to date in terms of both functionality and technology. It is important that DSB can influence the supplier's roadmap in collaboration with other train operators.

vii) The Solution must have a very high degree of operational availability and stability and be easy to fit in to DSB's operational setup.

II.2.5. Award criteria

Criteria below

Quality criterion - Name: the solution / Weighting: 50 %

Quality criterion - Name: Delivery / Weighting: 30 %

Price - Weighting: 20 %

II.2.6. Estimated value

Value excluding VAT: 500 000 000,00 DKK

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

Duration in months: 144

This contract is subject to renewal: yes

Description of renewals:

See section 40 of the Contract. DSB's is entitled to extend the Contract for up to 3 additional period of each 48 months, up to a total of 144 months.

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

Envisaged number of candidates: 3
Objective criteria for choosing the limited number of candidates:

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

In the evaluation of which candidates have documented the most relevant deliveries of comparable services, the extent to which the references, in total, document relevant experience in delivering the main services in II.2.4 comparable in terms of needs, requirements, customer and volume to the main services covered by the contract section II.1.4 and II.2.4.

The assessment of which candidates have documented the most relevant references will be based on an over-all assessment of whether all the references together document a high degree of relevant experience, see above.

In case 2 or more candidates is equally assessed, DSB will prefer references which document experience with longest consecutive duration of operation cf. section II.2.4 number C.

II.2.10. Information about variants

Variants will be accepted: no

II.2.11. Information about options

Options: yes

Description of options:

DSB shall be entitled to extend the Contract.

DSB has the right to extend the Contract for up to 3 additional period of 48 months, up to a total of 144 months. The extension(s) shall be on the same terms and conditions, in effect at the initial expiry of the Contract.

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

As regards section II.2.9) each candidate may only submit one application for prequalification.

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 candidate must submit the European Single Procurement Document ("ESPD") with the following in-formation:

The candidate's total annual turnover in the three latest financial years available

The candidate's solvency ratio in the three (3) latest financial years available

If the candidate relies on the economic and financial capacity of other entities, the contracting entity re-quires that the candidate and the entities in question undertake joint and several liability for the performance of the contract.

The ESPD serves as provisional documentation that the candidate fulfils the minimum suitability require-ments in respect of economic and financial capacity.

Before the decision to award the contract is made, the tenderer to whom the contracting entity intends to award the contract must submit documentation that the information stated in the ESPD is accurate.

Upon the contracting entity's request, the following documentation of economic and financial capacity must be submitted:

statement regarding the candidates total turnover in the three most recent annual reports /financial state-ments available, depending on when the candidate was set up or started trading, if the figures for this turn-over are available. For groups of candidates (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 a candidate relies on the economic and financial capacity of other entities (e.g. a parent company, a sister company or a subcontractor), information must be submitted for both the candidate and the supporting entities.

A statement regarding the operator's solvency ratio calculated as $(\text{total equity}/\text{total assets}) \times 100$ in the three (3) most recent annual reports/financial statements available, depending on when the operator was set up or started trading. For groups of candidates (e.g. a consortium), the information in the most recent annual report/financial statement available must be submitted for each participating candidate in the group. Where a candidate relies on the economic and financial capacity of other entities (e.g. a parent com-pany, a sister company or a subcontractor), information for such other entities must be provided as well.

Minimum level(s) of standards possibly required:

As a minimum requirement, an average total annual turnover of at least DKK 100 million calculated over the latest three (3) financial years available. For groups of candidates (e.g. a

Consortium) turnover will be calculated as the combined total turnover of the candidates in the group in each of the latest three (3) financial years available. Where a candidate relies on the economic and financial capacity of other entities the turnover is calculated as the total combined turnover of the candidate and the supporting entities in each of the latest three (3) financial years.

As a minimum requirement, an average solvency ratio of at least 20% calculated over the latest three (3) financial years available. For groups of candidates (e.g. a Consortium) solvency ratio will be calculated as the combined equity of the candidates in the group divided by the combined total assets of the candidates in the group, in percent, in each of the latest three (3) financial years available.

Where a candidate relies on the economic and financial capacity of other entities solvency ratio will be calculated as the combined equity of the candidate and supporting entities divided by the combined total assets of the candidate and supporting entities, in percent, in each of the latest three (3) financial years available.

III.1.3. Technical and professional ability

List and brief description of selection criteria:

The candidate must submit the ESPD with the following information:

A list of (up to) the 5 most significant comparable services, see sections II.1.4) and II.2.4), that the candidate has carried out in the last 5 years before the expiry of the application deadline. Only references relating to services carried out at the time of application will be given importance in the evaluation of which candidates have documented the most relevant deliveries, see section II.2.9). Hence, in the case of an ongoing task, only the part of the services already performed at the time of application will be included in the evaluation of the reference.

Each reference is requested to include a brief description of the deliveries made. The description of the delivery should include a clear description of the services set out in sections II.1.4) and II.2.4) to which the delivery related and the candidate's role(s) in the performance of the delivery. The reference is furthermore requested to include the financial value of the delivery (amount), the date of delivery and the name of the customer (recipient).

When indicating the date of the delivery, the candidate is requested to indicate the date of commencement and finalisation of the delivery. If this is not possible, for example if the tasks were performed on a continuous basis under a framework agreement, the candidate is asked to indicate the specification of the date.

No more than 5 references may be stated, irrespective of whether the candidate is a single operator, whether the candidate relies on the technical capacity of other entities, or whether the candidate is a group of operators (e.g. a consortium).

If more than 5 references are stated, only the first 5 references will be taken into account. Any additional references will be disregarded.

If it is not possible to decide which references are the first 5 references, the references will be selected by drawing lots

The ESPD serves as provisional documentation that the candidate fulfils the minimum suitability requirements in respect of technical and professional ability, see section III.1.3) and the candidate's compliance with the selection criterion, see section II.2.9).

Before the decision to award the contract is made, the tenderer to whom the contracting entity intends to award the contract must submit documentation that the information stated in the ESPD is accurate.

No additional documentation of technical and professional capacity will be required from the candidate. However, the contracting entity reserves the right to contact the candidate or the customer stated in the reference for confirmation of the information stated in the reference, including the dates of the reference indicated.

III.1.7. Main financing conditions and payment arrangements and/or reference to the relevant provisions governing them

Financing conditions and payment arrangements will be stated in the procurement documents. Reference is furthermore made to the electronic invoicing required and the option of ordering electronically pursuant to (Consolidated) Act no. 798 of 28 June 2007 about payment to public authorities, etc., as amended. The consolidated act is available (in Danish) at www.retsinformation.dk.

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

If the order is awarded to a group of economic operators (e.g. a consortium), each participant of the group must assume joint and several liability and appoint a joint representative.

III.2. Conditions related to the contract

III.2.2. Contract performance conditions

See appendix B regarding requirement categorization of the contract. All requirements that are not minimum requirements (MR) may in principle be negotiated and may be changed /withdrawn. All potential candidates who can comply with the MR are encouraged to apply to participate even if the candidate cannot comply with all negotiable requirements.

Pursuant to the Danish Investment Screening Act economic operators i) that are domiciled outside the EU or EFTA, or ii) are controlled by or subject to significant influence as defined in the Act from an entity domiciled in or a national of a country outside the EU or EFTA must apply for an authorisation to enter into a special financial agreement within a particularly sensitive sector or activity.

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

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 132-377628](https://eur-lex.europa.eu/eli/s/2022/132-377628)

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

Date: 25/08/2023 Local time: 12:00

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

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

English

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

Duration in months: 9 (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

Participation in the tender will take place via EU-Supply used by the contracting entity, see the address set out in sec. I.3). If the application contains several versions of the same document, the latest uploaded version will apply. The candidate must as its application submit an ESPD as preliminary documentation of the circumstances set out in sec. 148(1), paras (1)-(3) of the Danish Public Procurement Act, It is not necessary for the candidate to sign the ESPD. For groups of operators (e.g. a consortium), a separate ESPD must be submitted for each participating economic operator. Where the candidate is a group of operators, the ESPD of each participant in the group must be signed by the participant in question. The candidate heading the group and submitting the application is not required to sign its ESPD. If the candidate relies on the capacity of other entities, an ESPD must be submitted for and signed by each of the entities on which the candidate relies. In addition, a signed Consortium Declaration shall be submitted as part of the application, declaring that each operator in the consortium is jointly and severally liable, directly and unconditionally, to DSB for any obligation in relation to the consortium's tender. The candidate is encouraged to use the template in App. F. In addition, a Support Declaration from each supporting entity must be submitted as part of the application, declaring that capacities will be made available to the candidate. Where the candidate relies on the capacities of other entities regarding the criteria relating to economic and financial standing the supporting entity/entities shall undertake joint and several liability, directly and unconditionally, with the candidate if the candidate is awarded the contract. The candidate is encouraged to use the template in App. G. The candidate must also submit a letter of commitment when needed for economic and financial standing cf. sec. III1.2 in which the entity/entities on which the candidate relies has/have undertaken joint and several liability with the candidate if the candidate is awarded the contract. The form is enclosed as an attachment. Before the decision to award the contract is made, the tenderer how is to be awarded the contract must provide documentation of the information submitted in the ESPD pursuant to sec. 151 and 152(3), cf. section 11 of the Danish Order on Implementation. In the event of change of the tenderer, the provisions of s.147 of the Danish Public Procurement Act will apply in their entirety. The tender is conducted subject to the achievement of the necessary funding basis. The tender includes a proof of concept ("PoC") as described in tender documents. The contract has incorporated the CSR, as laid down in conventions on the basis of which the principles of UN Global Compact are worded and as laid down in OECD Guidelines for Multinational Enterprises and requirements pursuant to ILO Convention no. 94 on labour in public contracts and Circular no. 9471. The contract lays down requirements on compliance with the law on processing of personal data of the Danish Data Protection Act. As regards sec. II.1.5) and II.2.6), it should be noted that the amount is an estimate of the

expected contract price for the entire term of the contract, including the price of all options. The estimate is based on cost of implementation, operation, consultancy and more. As regards sec. II.2.9) it should be noted that each candidate may only submit one application for prequalification. The contracting entity may ask the applicant to supplement, specify or complete the application pursuant to Article 76, para. (4) of the Utilities Directive if the application does not meet the formal requirements of the procurement documents. For information on the process of the negotiations, reference is made to the tender specifications and the related app. B and C. DSB reserves the right to award the contract on the basis of the initial tender.

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: kflu@naevneneshus.dk

Telephone: +45 72405708

Internet address: <https://erhvervsstyrelsen.dk/klagevejledning-0>

VI.4.3. Review procedure

Precise information on deadline(s) for review procedures:

In accordance with the Act on the Complaints Board for Tenders etc., the following deadlines apply for lodging a complaint:

Complaints about not having been selected must be submitted to the Complaints Board for Tenders within 20 calendar days, cf. section 7, subsection of the act. 1, from the day after sending a notification to the affected applicants about who has been selected, when the notification is accompanied by a justification for the decision in accordance with section 2, subsection of the Act. 1, no. 1, and Section 171(1) of the Public Procurement Act. 2.

In other situations, a complaint must be made about tenders, cf. the act's section 7, subsection 2, 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 order has been published.

2) 30 calendar days counted from the day after the day on which the contracting authority has notified the affected tenderers that a contract based on a framework agreement with re-opening of the competition or a dynamic purchasing system has been entered into, if the notification has given a reason for the decision.

3) 6 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, subsection of the Act. 2, and Section 171(1) of the Public Procurement Act. 4.4) 20 calendar days counted from the day after the contracting authority has communicated its decision, cf. section 185, subsection of the Public Procurement Act. 2, 2nd point

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 being submitted to the Complaints Board for Tenders and whether the complaint has been submitted during the standstill period, cf. section 6, subsection of the act. 4. In cases where the complaint has not been submitted during the standstill period, the complainant must also

indicate whether suspensive effect of the complaint is requested, cf. section 12, subsection of the Act. 1.

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

23/06/2023