

Denmark-Hjørring: Repair, maintenance and associated services related to railways and other equipment**OJ S 124/2023 30/06/2023****Contract notice – utilities****Services****Legal Basis:**

Directive 2014/25/EU

Section I: Contracting entity

I.1. Name and addresses

Official name: Nordjyske Jernbaner A/S

National registration number: 29878983

Postal address: Skydebanevej 1B

Town: Hjørring

NUTS code: DK05 Nordjylland

Postal code: 9800

Country: Denmark

Contact person: Martin Buus Poulsen

E-mail: kontakt@tohv.dk**Internet address(es):**Main address: <https://nj.dk/>**I.3. Communication**

The procurement documents are available for unrestricted and full direct access, free of charge, at: <https://www.ethics.dk/ethics/eo#/77a73398-87aa-43f5-8376-27519dde3b11/publicMaterial>

Additional information can be obtained from the abovementioned address

Tenders or requests to participate must be submitted electronically via: <https://www.ethics.dk/ethics/eo#/77a73398-87aa-43f5-8376-27519dde3b11/homepage>

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

Electronic communication requires the use of tools and devices that are not generally available. Unrestricted and full direct access to these tools and devices is possible, free of charge, at: <https://www.ethics.dk/ethics/eo#/77a73398-87aa-43f5-8376-27519dde3b11/homepage>**I.6. Main activity**

Recreation, culture and religion

Section II: Object

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

8-year revision of compressed air components and bogies for Nordjyske Jernbaner A/S's trainsets

II.1.2.

Main CPV code

50220000 Repair, maintenance and associated services related to railways and other equipment

II.1.3. Type of contract

Services

II.1.4. Short description

This tender concerns 8-year revision of compressed air components for 18 trainsets and bogies for 19 trainsets. The trainsets are of the 'ALSTOM Coradia Lint 41 Series 3' type. The first of 13 sets of compressed air components and the first 14 sets of bogies will undergo revision in the period 01.01.2024 – 30.04.2026. The last compressed air components and bogies will undergo revision in the period 01.04.2029 – 31.12.2029.

II.1.5. Estimated total value**II.1.6. Information about lots**

This contract is divided into lots: no

II.2. Description**II.2.2. Additional CPV code(s)**

50221000 Repair and maintenance services of locomotives, 50221400 Repair and maintenance services of locomotive brakes and brake parts, 50221300 Repair and maintenance services of locomotive wheelsets, 50221100 Repair and maintenance services of locomotive gearboxes, 50221200 Repair and maintenance services of locomotive transmissions

II.2.3. Place of performance

NUTS code: DK05 Nordjylland

II.2.4. Description of the procurement

This tender concerns 8-year revision of compressed air components for 18 trainsets and bogies for 19 trainsets. The trainsets are of the 'ALSTOM Coradia Lint 41 Series 3' type. The first of 13 sets of compressed air components and the first 14 sets of bogies will undergo revision in the period 01.01.2024 – 30.04.2026. The last compressed air components and bogies will undergo revision in the period 01.04.2029 – 31.12.2029.

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The negotiations are expected to be conducted as a process in which negotiations are conducted on improvements and specifications based on the Tenderer's preliminary tender as well as the possibility of optimising the tender documents.

The Contracting Authority reserves the right to accept the preliminary tender, in which case the Contracting Authority will perform a tender evaluation in accordance with Tender Conditions clause 5.

The Contracting Authority reserves the right to extend the negotiations so that the procedure comprises of more than one round of negotiations. The Contracting Authority will notify the tenderers about any such further procedure(s).

No compensation will be paid to Applicants and Tenderers for the preparation of application and tender documents as well as time used throughout the negotiation process in connection with the prequalification or tender phase.

II.2.5. Award criteria

Criteria below

Quality criterion - Name: Time and proces plan / Weighting: 50 %

Price - Weighting: 50 %

II.2.6. Estimated value

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

Start: 01/01/2024 End: 31/12/2029

This contract is subject to renewal: no

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:

Among the compliant applicants which meet the above suitability and documentation requirements cf. Tender Conditions clause 2.1, up to four (4) applicants are selected on an objective, impartial and factual basis which are requested to submit tenders if four (4) compliant and suitable applications are received.

If the above number of compliant and suitable applications are not received, the Contracting Authority will select the applicants which are compliant and suitable as long as the Contracting Authority finds that the number of selected applicants can ensure adequate competition on the service.

The selection is made on the basis of the most comparable references cf. Tender Conditions clause 2.1.1. In this regard, the following is considered of particular importance:

- That the Applicant has experience with 'condition-based maintenance'.
- That the Applicant has experience with revision of all the components covered by the tender.
- That the Applicant has experience with revision of regional trains of the ALSTOM Coradia Lint 41 Series 3 type.
- That the number of trainset revisions covered by the Applicant's references is as high as possible.
- That the number of references is as high as possible, however, no further positive importance is attached to the submission of more than four (4) references.

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

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 a completed version of Single European Procurement Document (ESPD), in which the requested information, cf. Tender Conditions clause 2.1.1, is to be provided, and Appendix A Letter of intent and Appendix B Consortium Declaration to the relevant extent.

ESPD is a self-declaration form which serves as preliminary documentation that the Applicant, other entities or the association meet(s) the criteria for exclusion, suitability and selection. This information must subsequently be verified cf. clause 3.1.

The Applicant (and any subcontractors of the Applicant) complete(s) the following in ESPD:

Part II: Information concerning the economic operator

Section A: Information about the economic operator, including information about the lots (sub-contracts) for which the Applicant wishes to apply.

Section B: Information about the economic operator's representatives.

Section C: Information about reliance on the capacities of other entities (see clause 2.2 for further details).

Section D: Information about subcontractors on whose capacity the economic operator does not rely.

Part III: Exclusion Grounds

- Section A: Grounds relating to criminal convictions.
- Section B: Grounds relating to the payment of taxes or social security contributions: If there are any outstanding payments, tick 'Yes' and state the outstanding amount.
- Section C: Grounds relating to insolvency, conflicts of interest or professional misconduct:
- The Applicant confirms that the Applicant is not covered by the mandatory exclusion grounds laid down in Section 134a, Section 135(1)-(3) and Section 136 of the Danish Public Procurement Act. Otherwise, the Contracting Authority is obliged to exclude the Applicant, unless Section 135(4) and (5) of the Danish Public Procurement Act applies.
- The Applicant also confirms that the Applicant is not covered by the following voluntary exclusion grounds cf. Section 137(1) of the Danish Public Procurement Act:
 - Matters concerning insolvency/bankruptcy/liquidation or the like cf. para (2).
 - Agreement aimed at distortion of competition cf. para (3).
 - Breach of previous public contract cf. para (4).
 - Unlawful influence on the Contracting Authority's decision-making process cf. para (5).

Part IV: Selection criteria, section A: Suitability

- Minimum requirements:
 - It is a minimum requirement that the Tenderer is ECM F4 certified (Certification of Entities in Charge of Maintenance), see Directive (EU) 2019/779 of the European Parliament and of the Council.
 - It is a minimum requirement that the Tenderer is ECM F2 certified (Certification of Entities in Charge of Maintenance) in connection with risk assessment, see Directive (EU) 2019/779 of the European Parliament and of the Council.

Documentation must be submitted that the Applicant and its subcontractors meet the minimum requirements for being ECM 4 and ECM 2 certified cf. clause 3.1.2.

III.1.2. Economic and financial standing

List and brief description of selection criteria:

Section B concerning Economic and financial standing is not applicable.

III.1.3. Technical and professional ability

List and brief description of selection criteria:

The Applicant provides the up to four (4) references which the Applicant considers most comparable to the present tender, cf. clause 1.5 and the section below, in relation to what the Contracting Authority understands as a 'comparable' reference.

- If more references are provided, the Contracting Authority will only assess the four (4) latest references. Latest references mean references with termination closest to the tender deadline.
- The Applicant must click '+' to fill in more references.
- The references must have been issued within the last five (5) years calculated from the date of expiry of the application deadline.
- The Contracting Authority will disregard references concluded more than five (5) years before the application deadline.
- For references with an older commencement date, but where services (part services) have been concluded within the last five (5) years, the Contracting Authority will only assess the services (part services) which the Applicant has performed within the last five (5) years calculated from expiry of the application deadline. The Applicant is responsible for specifying the contents of the reference, so that the services (part services) in question are clearly stated.

The references must contain the following:

1. Description: Description of the service(s), with focus on the elements that make the reference comparable.

The description may also contain information about the period(s) in which the service has been performed (start and conclusion dates).

2. Amount: The value of the service in EUR, i.e. the amount paid by the customer for the performance of the service.

3. Date: Date for start-up (commencement date) and date for completion (conclusion date) of the most recent service listed under 'Description'. For references which have not yet been concluded, the field 'Conclusion date' is left blank/empty.

4. Recipients: Customer name incl. contact person and contact person's telephone number. The Applicant may submit additional documentation to the answer, which cannot be included in ESPD, for example in the form of pictures and illustrations etc.

Minimum level(s) of standards possibly required:

It is a minimum requirement that the Applicant can provide at least one comparable reference, see below, concluded within the past five (5) years.

By comparable reference, the Contracting Authority means the following: Revision of compressed air components and bogies on regional trains such as ALSTOM Coradia Lint 41 Series 3 or similar.

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

Date: 11/08/2023 Local time: 10:00

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

Section VI: Complementary information

VI.1. Information about recurrence

This is a recurrent procurement: no

VI.3. Additional information

The Applicant/Tenderer is requested to seek to clarify any ambiguities and uncertainties by asking questions about the tender.

All questions must be asked in ETHICS by clicking 'Send Questions' under the 'Communication' tab. The dialogue box is then filled in with reference and question. By clicking 'Send', the question is forwarded to the Contracting Authority.

The Contracting Authority answers questions by uploading a question/answer document, see Contract Appendix 4.

According to the time schedule in clause 1.8, questions received before the questions deadline will be answered by the Contracting Authority, whereas questions received after the questions deadline will only be answered if the nature of the question does not make it disproportionately onerous for the Contracting Authority to answer the question within the response deadline.

Questions received later than six (6) whole days before the application deadline and the tender deadline, respectively, will generally not be answered.

Technical questions about the use of ETHICS should be directed to the support service (+45) 70 22 70 07 or by clicking the 'Customer Service' icon in ETHICS.

In continuation of the notification of prequalification, the Tenderer, other entities and associations must, at the Contracting Authority's request, submit documentation for the information provided in the ESPD in connection with the prequalification in accordance with Sections 144 and 152 of the Danish Public Procurement Act.

If the Tenderer, the association's participants or other entities are from Denmark, the documentation is presented in the form of a service certificate from the Danish Business Authority. The service certificate must contain information from:

- The Bankruptcy Court c/o The Danish Court Administration
- The Danish Customs and Tax Administration
- The Danish Labour Market Supplementary Pension Fund (ATP)
- The Police (the Danish Central Crime Register)

Please note that a 'declaration of consent' must be filled in, signed and uploaded when ordering the service certificate.

The service certificate is ordered from Virk.dk

The service certificate must be maximum six (6) months old calculated from the date set by the Contracting Authority as the deadline for the submission of a request for documentation.

The processing time with the Danish Business Authority is approximately two (2) weeks from when the order has been received.

If the Tenderer, one or more of the participants in the association or other entities is/are not from Denmark, the types of documentation stated in e-Certis must generally be produced. E-Certis is an online information system which is to be used to find the right documentation to be used by EU Member States in connection with invitations to tender and procurement procedures.

If these countries do not issue the relevant certificates or documents, or if the issued certificates or documents do not cover all the relevant cases, they can be replaced by a sworn declaration.

If such a sworn declaration is not used in the country in question, a solemn declaration may be used instead.

Information provided in the ESPD Part IV – Selection criteria are verified as follows:

- Documentation must be submitted that the Applicant and its subcontractors meet the minimum requirements for being ECM 4 and ECM 2 certified.
- Submission of further documentation is not required for references, but the Contracting Authority reserves the right to obtain confirmation of the correctness of the references from the customers stated in the references.

The Tenderer must submit a completed and signed Appendix C – Solemn Declaration regarding Council Regulation concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine.

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: klfu@naevneshus.dk

Telephone: +45 72405708

Internet address: <https://erhvervsstyrelsen.dk/klagenaevnet-for-udbud>

VI.4.3. Review procedure

Precise information on deadline(s) for review procedures:

Complaints must be filed with The Complaints Board for Public Procurement within:

1. 45 calendar days after the contracting authority has published a contract award notice in the Official Journal of the European Union (with effect from the day following the publication date);
2. 30 calendar days starting the day after the contracting authority has informed the tenderers in question, that the contracting authority has entered into a contract based on a framework agreement through reopening of competition or a dynamic purchasing system, provided that the notification includes a short account of the relevant reasons for the decision;
3. 6 months starting the day after the contracting authority has sent notification to the candidates/tenderers involved that the contracting authority has entered into the framework agreement, provided that the notification included a short account of the relevant reasons for the decision.

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: www.kfst.dk

VI.5.

Date of dispatch of this notice

26/06/2023