

Denmark-Copenhagen: Tramline construction works
OJ S 217/2015 10/11/2015
Contract notice – utilities
Works

Directive 2004/17/EC

Section I: Contracting entity

I.1. Name and addresses

Official name: Hovedstadens Letbane (Ring 3 Letbane I/S)

Postal address: Metrovej 5

Town: Copenhagen S

Postal code: 2300

Country: Denmark

For the attention of: Carsten Larsen

E-mail: cla@m.dk

Telephone: +45 40631014

Internet address(es):

General address of the contracting entity: <http://www.m.dk>

Additional information can be obtained from:

the abovementioned address

Specifications and additional documents (including documents for a dynamic purchasing system) can be obtained from: the abovementioned address

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

I.2. Main activity

Urban railway, tramway, trolleybus or bus services

I.3. Contract award on behalf of other contracting entities

The contracting entity is purchasing on behalf of other contracting entities: no

Section II: Object of the contract

II.1. Description

II.1.1. Title attributed to the contract by the contracting entity

Letbane på Ring 3 (Light Rail on Ring 3) — Civil Works Contracts CW-I (Ishøj).

II.1.2. Type of contract and place of performance or delivery

Works

Design and execution

Main site or place of performance: Along the road Ring 3 in Ishøj Municipality.

NUTS code DK012 Københavns omegn

II.1.3. Information about a framework agreement or a dynamic purchasing system

The notice involves a public contract

II.1.4. Information about framework agreement

II.1.5. Short description of the contract or purchase(s)

Contracting entity (the owners):

The Danish Government, The Capital Region of Denmark and 11 municipalities (Lyngby-Taarbæk, Gladsaxe, Herlev, Rødovre, Glostrup, Albertslund, Brøndby, Høje-Taastrup, Hvidovre, Vallensbæk, Ishøj) have agreed to construct a Light Rail on Ring 3 and formed the partnership 'Hovedstadens Letbane'.

Formally 'Ring 3 Letbane I/S' will be the contracting entity. After a construction law is passed in the Parliament the name will be changed to Hovedstadens Letbane (HL).

The project:

The 'Letbane på Ring 3' will have 28 stations on a 28 kilometre double track from Lundtofte in the North to Ishøj in the South.

Frequent services at 5 minute intervals on weekdays make the light rail an attractive public transport solution.

The light rail is expected to carry 13 000 000 — 14 000 000 passengers a year. The number may increase to 17 000 000 — 18 000 000, as the area along the line gradually develops.

Contract structure:

The contract structure will be:

- A. 5 contracts for Civil Works including roads, bridges and other complex structures
- B. 1 contract for Transportation System (TS) including Stations, Substations and CMC (CMC Building contractor as nominated subcontractor, cf. below). The TS contractor will be subcontractor to the O&M contractor for part of the maintenance
- C. 1 contract for Control and Maintenance Centre (CMC) Building (the contractor will be transferred to the TS Contractor as a nominated subcontractor)
- D. 1 contract for Operation & Maintenance (O&M). The TS contractor will be subcontractor for part of the maintenance.

The 5 CW contracts are split by borders between municipalities:

- Contract CW-I (Ishøj).
- Contract CW-VBG (Vallensbæk, Brøndby and Glostrup).
- Contract CW-RH (Rødovre and Herlev).
- Contract CW-G (Gladsaxe).
- Contract CW-L (Lyngby).

Further information on the project and the contract structure is available in the document 'Information about the public procurement process' (hereinafter referred to as 'infodocument'), which can be downloaded from www.bascon.dk/da/udbud.

Present contract notice:

The present contract notice comprises CW-I.

Scope of work in cw contracts:

The 'Letbane på Ring 3' alignment runs through a total of 8 municipalities in a mixture of on-street and off-street environments, passing through approximately 60 signalised road junctions. It will require over 60 new or modified, structures comprising bridges, underpasses and retaining walls.

The Roads Contracts include the design and construction of the Civil Works for the light rail alignment and the associated road works and structures. This includes the track alignment design and all geometric and structural road design, drainage, street lighting, traffic signals, road signage, structures, earthworks and demolitions.

The scope of works includes the management of interfaces, cooperation and collaboration with other contractors and consultants. In particular, there will be a high degree of design and construction interface with the Transportation Systems contractor, with the other Civils Works Contractors and also with the Utility Companies, with whom it will be necessary to coordinate and whose relocation works it will be necessary to facilitate.

The Contracts will include for all permanent and temporary works, including traffic management.

Although the Contracts are predominantly design and build, a detailed design will be provided for the certain bridges and retaining walls at the light rail crossings of Nærumbanen and Banedanmark infrastructure at the new Copenhagen Ringsted railway line, Glostrup, Herlev, Buddinge and Lyngby.

A reference design will be provided for each of the remaining structures and for the alignment and road works.

Specific data for CW-I:

Length: 1.4 km.

Stations: 2 pcs.

Signal controlled junctions: 3 pcs.

Demolitions: 1 pcs.

Track form: Ballast 1.1 km and Slab track: 0.3 km

New retaining walls: 3 pcs.

Key Features:

— Interface with Ishøj bus station.

II.1.6. CPV code(s)

45234126 Tramline construction works, 45234140 Level crossing construction works, 45234121 Tramway works

II.1.7. Information about the Government Procurement Agreement (GPA)

The procurement is covered by the Government Procurement Agreement: yes

II.1.8. Information about lots

This contract is divided into lots: no

II.1.9. Information about variants

II.2. Scope of the procurement

II.2.1. Total quantity or scope

Please refer to section II.1.5.

II.2.2. Information about options

Options: yes

Description of options: 1 option comprises to change Track Form Ballast to Track Form Slab Track (embedded grooved rail) partly or in total.

1 option comprises to grass track (slab track).

Provisional timetable for recourse to these options:
in months: 6 (from the award of the contract)

II.2.3. Information about renewals

This contract is subject to renewal: no

II.3. Duration of the contract or time limit for completion

Duration in months: 39 (from the award of the contract)

Section III: Legal, economic, financial and technical information

III.1. Conditions related to the contract

III.1.1. Deposits and guarantees required

Will be stated in the tender documents.

III.1.2. Main financing conditions and payment arrangements and/or reference to the relevant provisions governing them

Will be stated in the tender documents.

III.1.3. Legal form to be taken by the group of economic operators to whom the contract is to be awarded

A group of economic operators must be jointly and severally liable for the performance of the contract. A declaration to this effect must be submitted if a tender is submitted.

III.1.4. Contract performance conditions

The performance of the contract is subject to particular conditions: yes

Description of particular conditions: The 5 CW contracts will be based on an AB/SB document (Hovedstadens Letbanes supplement and changes to ABT 93). All contracts will in the AB/SB documents contain labor and social clauses, requirements in relation to health and safety and requirements in relation to working environment, etc.

III.2. Conditions for participation

III.2.1. Suitability to pursue the professional activity, including requirements relating to enrolment on professional or trade registers

List and brief description of conditions: 1) The request for participation must be submitted in three copies of the same wording and a digital copy on a USB. Organisation of the application in accordance with the structure of this announcement will be highly appreciated.

2) The request must include a description of the Applicant.

The description must include:

— A general description of the company/companies forming the Applicant.

— A description of the role of the company/companies forming the Applicant.

— A general description of each third party (e.g. consultant or subcontractors) the Applicant base the application on (if any).

— A description of the role of each third party the Applicant base the application on (if any).

3) The request must specify the phone number; e-mail address and name of contact person for the Applicant.

4) According to Consolidation Act No. 336 of 13 May 1997, the applicant must enclose a solemn declaration in respect of due, unpaid debt to the authorities.

5) The request must also be accompanied by a solemn declaration to the effect that the applicant is not excluded from participating in the tender procedure for reasons specified in Article 54 (4), second sentence (corresponding to the Public Procurement Directive, Article 45 (1)), and that the applicant is not excluded from participating in the tender procedure for reasons covered by the Public Procurement Directive, Article 45 (2), letters a, b, c, e and f.

Formality:

If the request for participation comes from a consortium / JV, the abovementioned information in nos. 4-5 must be given for each participant in the consortium / JV.

A paradigm for the solemn declarations mentioned in nos. 4 and 5 above is available at

www.bascon.dk/da/udbud

III.2.2. Economic and financial ability

List and brief description of conditions: 6) The request must be accompanied by information on the Applicant's economic key figures for the three last available years as follows:

— turnover;

— profit/loss for the year after taxation;

— equity capital;

— total assets.

The information may be given as a table, dated and signed by the applicant, HL would prefer not to receive annual reports.

HL reserves the right to obtain audited annual reports upon request.

Formality:

— If the request for participation comes from a consortium, the above mentioned information must be submitted for each participant of the consortium.

— If the application is based on economic and financial capacity of a third party (e.g. a parent company):

i) the above mentioned information in section III.2.2 must also be enclosed for such third party;

ii) an availability declaration from the third party must be enclosed, cf. Article 54 (5) of the Utilities Directive.

— no availability declaration is needed if the application is based solely on the applicant's own economic and financial capacity,

— a template for the availability declaration is available at <http://www.bascon.dk/da/udbud>

Minimum Requirements regarding economic and financial capacity:

There must be no risk worth mentioning that for financial reasons the applicant will not be able to complete the task in a satisfactory way.

III.2.3. Technical and professional ability

List and brief description of conditions: 7) The application must be accompanied by references for comparable assignments to the one put out to tender.

Each reference may contain a description of the nature of each project, the client, a contact person if available, the physical and financial size of the project, the work performed by the applicant and the timeframe in which the project was carried out. Comparable reference projects may include the following key features:

a) Design, construction and project management of roads, light rail, metro projects.

b) Performance in an urban and complex stakeholder environment.

c) Collaboration with other (non-consortia) contractors.

d) Traffic management.

e) Authority approvals handling.

f) Occupational health and safety incl. safety statistics.

HL wants a maximum of 10 references per company (company/companies forming the Applicant and every third party (if any)). Each company is requested to choose his 10 most relevant references.

8) The request must be accompanied by information about the applicant's approximate number of employees who have been involved in comparable assignments within the last 3 years.

Formality:

— If the request for participation comes from a consortium, the above mentioned information in Nos 7 and 8 are must be given for each participant of the consortium.

— If the application is based on technical capacity from a third party (e.g. a consultant or a subcontractor):

i) the above mentioned information in Nos 7 and 8 must also be given for the third party;

ii) an availability declaration signed by the third party must be enclosed, cf. Article 54 (6) of the Utilities

Directive.

— A template for the availability declaration is available at <http://www.bascon.dk/da/udbud>

Minimum Requirement regarding technical capacity:

The applicant must document solid experience with — and competence for — solving

assignments comparable to the one offered for tender. The assessment will include the total documented experience in the references submitted.

III.2.4. Information about reserved contracts

III.3. Conditions specific to services contracts

III.3.1. Information about a particular profession

III.3.2. Information about staff responsible for the performance of the contract

Section IV: Procedure

IV.1. Type of procedure

IV.1.1. Type of procedure

Negotiated

Some candidates have already been selected (if appropriate under certain types of negotiated procedures): no

IV.2. Award criteria

IV.2.1. Award criteria

The most economically advantageous tender in terms of the criteria stated in the specifications or in the invitation to tender or to negotiate

IV.2.2. Information about electronic auction

IV.3. Administrative information

IV.3.1. File reference number attributed by the contracting entity

IV.3.2. Previous publication concerning this procedure

Periodic indicative notice

Notice number in the OJ S: [2015/S 179-325879](#) of 16.9.2015

IV.3.3. Conditions for obtaining specifications and additional documents

(except for a DPS)

Payable documents: no

IV.3.4. Time limit for receipt of tenders or requests to participate

21.12.2015 - 12:00

IV.3.5. Languages in which tenders or requests to participate may be submitted

English.

IV.3.6. Minimum time frame during which the tenderer must maintain the tender

IV.3.7. Conditions for opening of tenders

Section VI: Complementary information

VI.1. Information about recurrence

This is a recurrent procurement: no

VI.2. Information about European Union funds

The procurement is related to a project and/or programme financed by European Union funds:
no

VI.3. Additional information

Four Tenderers for CW-I will be selected from among the applicants that comply with the minimum requirements of item III.2 of the contract notice.

The selection of Tenderers will be based on an overall assessment of how the contracting authority can obtain the most attractive tenders. This overall assessment comprises the below items A, B, and C in prioritized order:

A) An assessment of technical capacity and competence on the basis of information requested in item III.2.3 of the contract notice.

B) An assessment of how to achieve the best possible competition by selecting companies of different size as Tenderers.

C) An assessment of whether the Applicants organization including third parties (if any) is suitable for carrying out the assignment put out to tender.

A tender fee will be paid to Tenderers submitting an original tender, which the Employer not are obliged to reject.

If an entity consist of several companies (e.g. a consortium), during the tendering procedure (i. e. at any point in time prior to contract award) requests for a change in the entity's composition; this can only take place subject to HL's prior written acceptance. A change in composition is for instance if one of the entity members leaves the entity, or if any entity members is substituted by another company.

When assessing whether to grant a change in composition, HL will consider the character and extent of the desired change. Among other, this consideration will place emphasis on whether the entity would have been prequalified, if the change in composition had been known prior to prequalification.

If an Applicant, who have relied on economic and financial capacity or technical capacity of a third party, wants to substitute or remove this third party during tendering procedure, this can only take place subject to HL's prior written acceptance.

When assessing whether to accept the change, HL will consider the character and extent of the desired change. Among other, this consideration will place emphasis on whether the entity would have been prequalified, if the substituting third party had been known had been known prior to prequalification or the removed third party had been known had been known prior to prequalification.

The tender documents will contain provisions dealing with changes as described above which takes place after contract award.

Questions (if any) from potential applicants will be answered and uploaded to www.bascon.dk/da/udbud

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HL may be obliged to reject an application if not all information required in section III.2 is submitted. The applicant alone has the risk of having the application rejected if the application does not include all required information in section III.2.

Regarding additional information in respect of other issues than selection criteria of tenderers, reference is made to the above mentioned infodocument.

VI.4. Procedures for review

VI.4.1. Review body

Official name: Klagenævnet for Udbud

Postal address: Dahlerup Pakhus, Langelinie Allé 17

Town: Copenhagen Ø

Postal code: 2100

Country: Denmark

E-mail: klfu@erst.dk

Telephone: +45 32591000

Internet address: www.klfu.dk

VI.4.2. Review procedure

Precise information on deadline(s) for review procedures: Complaints against not being prequalified shall be lodged to Klagenævnet for Udbud no later than 20 calendar days from the day after the day the contracting entity has sent a notification to the affected applicants.

Complaints in respect of other issues than not being prequalified shall be lodged to Klagenævnet for Udbud no later than 45 calendar days after the award of contract has been published in TED.

VI.4.3. 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

5.11.2015