

Denmark-Copenhagen: Public transport services by railways
OJ S 217/2015 10/11/2015
Contract notice – utilities
Services

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) — Operation and Maintenance.

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

Services

Service category No 18: Rail transport services

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

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.

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 the Operation and Maintenance contract.

Scope of services in the O&M contract:

The service includes operation and maintenance of Light Rail assets on Ring 3 for 15 years.

The contract is not a concession contract. The contracting entity puts the necessary rolling stock and the complete system at disposal of the contractor.

Light Rail on Ring 3 is planned to run with headway up to 5 minutes.

Trains depart with such short intervals that timetables are not necessary for the passengers.

The passengers are only informed of the time interval between the trains. The average travel speed including stops is approximately 30 km/h. The service is managed from the Control and Maintenance Centre (CMC) which includes workshops, washing machine facilities, operation control facilities and offices.

The contractor for Operation and Maintenance (O&M) will be responsible for the daily operation of the light rail system and be the point of contact to the employer, authorities, police, etc. in relation to the light rail operation.

This will include taking the role as Betriebsleiter in accordance with BOStrab from an early stage of the design and build phase. Furthermore the O&M contractor will be responsible for the provision of an organisation including trained drivers and other staff required to provide the service.

The O&M contractor will be obliged to include the TS Contractor as a nominated subcontractor for some part of the maintenance of the TS equipment for a period of 15 years after start of commercial operation. The part assigned to the TS Contractor will be detailed in the tender documents.

The O&M contractor shall provide all ancillary equipment and road vehicles required to provide the service.

II.1.6. CPV code(s)

60210000 Public transport services by railways, 34621200 Railway maintenance or service vehicles

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

Variants will be accepted: no

II.2. Scope of the procurement

II.2.1. Total quantity or scope

II.2.2. Information about options

Options: no

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: 228 (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 O&M contract will 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. subsupplier) 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 must include the following key information:

- a) Type of contract structure (DBOM, DBFOM, DB/OM, O) and duration of the contract.
- b) Annual turnover.
- c) Type of systems (tram, LRT, BRT) and conformity to BOStrab.
- d) Organization: structure and number of employees managed.
- e) Operational rules applied (drive on sight, signalling).
- f) Numbers of vehicles km operated.
- g) Number and type of Rolling Stock.
- h) Depth of involvement in maintenance.
- l) Example for project improvement and development (bases on Operator suggestion (if any)).
- j) 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

An electronic auction will be used: no

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 the O&M contract 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.

The evaluation will prioritize the following (in no specific order):

- Light Rail Transit (LRT) projects;
- in street running systems;
- most recent projects;

— duration of operation and/or maintenance contract undertaken;

— system operated and maintained by the applicant'

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

C) An assessment of the economic and financial capacity of the Applicant.

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 the answers uploaded to www.bascon.dk/da/udbud

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 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 info document.

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