

**Denmark-Ringsted: Railway equipment**  
**OJ S 129/2023 07/07/2023**  
**Contract award notice – utilities**  
**Supplies**

**Legal Basis:**

Directive 2014/25/EU

**Section I: Contracting entity**

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**I.1. Name and addresses**

Official name: Lokaltog A/S  
National registration number: 26 15 90 40  
Postal address: Jættevej 50  
Town: Ringsted  
NUTS code: DK0 Danmark  
Postal code: 4100  
Country: Denmark  
Contact person: Eva Stub Munch  
E-mail: [eva.stub.munch@cloverleaf.dk](mailto:eva.stub.munch@cloverleaf.dk)  
Telephone: +45 40613800  
**Internet address(es):**  
Main address: <https://www.lokaltog.dk/>

**I.1. Name and addresses**

Official name: Infrastrukturselskabet Lj A/S  
National registration number: 31761670  
Postal address: Jættevej 50  
Town: Ringsted  
NUTS code: DK0 Danmark  
Postal code: 4100  
Country: Denmark  
E-mail: [eva.stub.munch@cloverleaf.dk](mailto:eva.stub.munch@cloverleaf.dk)  
**Internet address(es):**  
Main address: <https://www.lokaltog.dk/>

**I.1. Name and addresses**

Official name: Hovedstadens Lokalbaner A/S  
National registration number: 26125146  
Postal address: Nordre Jernbanevej 31  
Town: Hillerød  
NUTS code: DK0 Danmark  
Postal code: 3400  
Country: Denmark  
E-mail: [eva.stub.munch@cloverleaf.dk](mailto:eva.stub.munch@cloverleaf.dk)  
**Internet address(es):**  
Main address: <https://www.lokaltog.dk/>

**I.2. Information about joint procurement**

The contract involves joint procurement

## I.6. Main activity

Other activity: Railway transport

## Section II: Object

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### II.1. Scope of the procurement

#### II.1.1. Title

Tender regarding "Framework agreement covering the production and delivery of rails to Lokaltog"

#### II.1.2. Main CPV code

34940000 Railway equipment

#### II.1.3. Type of contract

Supplies

#### II.1.4. Short description

The tender covers a framework agreement on the production of rails of the type UIC60 R260 (also referred to as 60E2) and S49 R260 (also referred to as 49E2) in several lengths, cf. appendix 4 (Pricelist - TBL). Orders includes delivery to Lokaltog's locations on Zealand or Lolland-Falster within a radius of up to 110km. from the town of Køge. For the rails covered by the agreement, a valid certificate in relation to the current TSI for infrastructure must be presented, cf. Appendix 1. The price must include all costs for rails, including all costs associated with manufacturing and delivery.

#### II.1.6. Information about lots

This contract is divided into lots: no

#### II.1.7. Total value of the procurement

Value excluding VAT: 130 000 000,00 DKK

### II.2. Description

#### II.2.2. Additional CPV code(s)

34946110 Rails, 34941000 Rails and accessories, 34946200 Railway-track construction supplies, 34946120 Railway materials, 34946100 Railway-track construction materials, 34941200 Track rails

#### II.2.3. Place of performance

NUTS code: DK0 Danmark

NUTS code: DK02 Sjælland

NUTS code: DK03 Syddanmark

#### II.2.4. Description of the procurement

The tender covers a framework agreement on the production of rails of the type UIC60 R260 (also referred to as 60E2) and S49 R260 (also referred to as 49E2) in several lengths, cf. appendix 4 (Pricelist - TBL). Orders includes delivery to Lokaltog's locations on Zealand or Lolland-Falster within a radius of up to 110km. from the town of Køge. For the rails covered by the agreement, a valid certificate in relation to the current TSI for infrastructure must be presented, cf. Appendix 1. The price must include all costs for rails, including all costs associated with manufacturing and delivery.

// PRICE REGULATION //

Please notice that prices for goods and services under the Agreement are regulated at the time of the purchase order (and thus not with a periodic interval which is often the practice). This initiative is made in order to accommodate a realistic price adjustment in the current market situation.

// ENGLISH VERSIONS //

The contracting authority has made this contract notice as well as main tender documents available in English language versions, including Tender Conditions, Framework Agreement and Requirement Specification. Apart from the Tender conditions (which are only in English) only the Danish versions are valid and the English versions for guidance only.

// CONTRACT QUANTITY AND VALUE //

Throughout its duration, the agreement has an estimated framework of 179.000 m. of rails as stated in appendix 4 (Pricelist - TBL) and appendix 1.1 (Forecast for Lokaltog projects 2023-30).

The agreement's total maximum framework for the entire agreement period amounts to a total of 214.800 m. of rails.

At the time of the tender the estimated maximum value of the agreement is DKK 130 mio. (ex. VAT), but the actual value may increase or decrease over the term of the Agreement depending on the price development, as the total maximum purchases for the entire agreement period is calculated in quantities as stated above. Please see the Agreement, § 4.2 for further details.

#### **II.2.5. Award criteria**

Quality criterion - Name: Quality / Weighting: 40

Price - Weighting: 60

#### **II.2.11. Information about options**

Options: yes

Description of options:

The Agreement may be extended by two (2) times two (2) years with a notice of at least six (6) months. The duration of the Agreement is thus a maximum of 96 months from the time the Agreement is signed by Lokaltog, including the options to extend the duration of the Agreement.

#### **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**

The Agreement has not been subdivided into lots as it has not been deemed commercially attractive as it is important for the project to achieve the necessary synergy with one supplier regarding technical material and processes. Managing more suppliers as well as sharing knowledge and managing interfaces between these is likely to increase project costs and timeframe.

### **Section IV: Procedure**

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#### **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**

The procurement involves the establishment of a framework agreement

#### **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 175-496728](#)

##### **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 periodic indicative notice**

### **Section V: Award of contract**

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**Contract No:** 1

**Title:**

Rammeaftale vedrørende produktion og levering af skinner

A contract/lot is awarded: yes

#### **V.2. Award of contract**

##### **V.2.1. Date of conclusion of the contract**

09/03/2023

##### **V.2.2. Information about tenders**

Number of tenders received: 2

Number of tenders received from SMEs: 0

Number of tenders received from tenderers from other EU Member States: 1

Number of tenders received from tenderers from non-EU Member States: 0

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: voestalpine Rail Technology GmbH

National registration number: ATU40417900

Postal address: Kerpelystrasse 199

Town: Leoben

NUTS code: AT Österreich

Postal code: 8700

Country: Austria

The contractor is an SME: no

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

Initial estimated total value of the contract/lot: 130 000 000,00 DKK

Total value of the contract/lot: 130 000 000,00 DKK

##### **V.2.5. Information about subcontracting**

##### **V.2.6. Price paid for bargain purchases**

### VI.3. Additional information

Lokaltog reserves the right to award the agreement based on the initial offer.

// PRE-QUALIFICATION //

When applying for pre-qualification, the applicant must fill in the joint European Single Procurement Document (hereinafter referred to as "ESPD") as a preliminary proof of the provisions of § 148 (1) of the Danish Public Procurement Act, cf. § 10 of Executive order no. 1624 of 15.12.2015.

For groups of operators (e.g. a consortium), a separate ESPD must be submitted for each participating economic operator. A group of operators shall besides the ESPD documents submit a signed consortium declaration, declaring which consortium venture member is delegated the legal power to engage bindingly in clarifying dialogue and contracting with Lokaltog. The candidate is encouraged to use the template for consortium declaration, cf. Tender Appendix B .

If the candidate relies on the capacity of other entities, an ESPD must be submitted for each of the entities on which the candidate/tenderer relies. The supporting entity shall sign the ESPD before submitting the application. The candidate must prove that the necessary resources from the supporting entities will be made available to the candidate. The candidate is encouraged to use the template for support declaration, cf. Tender appendix C.

The ESPD is preliminary evidence:

- That the applicant is not covered by grounds for exclusion, cf. section 3.1 as well as the ESPD, part III (A-D).
- That the applicant meets any minimum requirements for the financial and financial ability as set out in section 3.3 below as well as the Contract Notice ("Udbudsbekendtgørelsen") section III.1.2).
- That the applicant meets any minimum requirements for technical and professional ability set out in section 3.4 below as well as the Contract Notice ("Udbudsbekendtgørelsen") section III.1.3)

The ESPD is filled out directly in the electronic procurement tool in relation to the application for pre-qualification.

// EXCLUSION //

An applicant who at any time during the procurement procedure is subject to one of the reasons for exclusion in §§ 135-136 or § 137, first paragraph, (2) of the Danish Public Procurement Act, cf. § 10 of Executive order nr. 1624 of 15.12.2015 will be excluded from participating in the procurement procedure. The contracting authority may not exclude the applicant in question if the applicant submits evidence of its reliability within a reasonable period of time set by Lokaltog, cf. § 138 of the Danish Public Procurement Act, cf. § 10 of Executive order nr. 1624 of 15.12.2015.

Attention is drawn to Article 5k in Regulation (EU) No 833/2014 as amended by Regulation (EU) 2022/576 which contains a prohibition against award of contracts to Russian companies and Russian controlled companies etc. (reference is made to Article 5k, section 1, for the exact delimitation of the actors covered by the prohibition). Lokaltog may at any time during the tender process require that the candidates/tenderers prove that they are not covered by the prohibition, for example by requiring documentation regarding the candidates'/tenderers' and any subcontractors' place of establishment and ownership.

// QUESTIONS //

By asking questions to Lokaltog via Ethics the applicant/tenderer can clarify any ambiguities in relation to the tender documents or the pre-qualification; tender process; or other questions related to doubt about how to prepare the request for pre-qualification/ tender. Lokaltog

recommends that questions are asked as they arise up until the deadline for submitting questions, cf. Tender conditions, section 2.1.

// INFORMATION MEETINGS //

The contracting authority plans to hold two (2) information meetings regarding this tender. The first meeting will be held on 13 September 2022, 10:30-11:30 via Teams. The second meeting will be held on 14 October 2022, 10:30-11:30 also via Teams. An invitation for the Teams-meeting will be sent to the email-address registered by the applicant/tenderer in Ethics.

#### **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@naevneneshus.dk](mailto:klfu@naevneneshus.dk)

Telephone: +45 72405600

Internet address: <https://naevneneshus.dk/start-din-klage/klagenaevnet-for-udbud/>

##### **VI.4.3. Review procedure**

Precise information on deadline(s) for review procedures:

Pursuant to the Act on the Complaints Board for Tenders, the following deadlines apply for the submission of a complaint:

Complaints about not having been pre-qualified must be submitted to the Complaints Board for Tenders before 20 calendar days from the day following the sending of a notification to the applicants concerned as to who has become selected, cf. the Public Procurement Act, section 171, subsection 2, or the Appeals Board Act § 2, para. 1, no. 1, when the notification is accompanied by a justification for the decision.

In other situations, a complaint about a tender must 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 executive order has been published.

- 2) 30 calendar days from the day following the day on which the contracting authority notifies the tenderers concerned that a contract based on a framework agreement reopening the competition or a dynamic purchasing system has been concluded, if the notification has stated a reason for the decision.

- 3) six 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 (1) of the Act. 2, or the Public Procurement Act § 171, para. 4.

- 4) 20 calendar days calculated from the day after the contracting authority has announced its decision, cf. section 185 of the Public Procurement Act, PCS. 2.

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 submitted to the Complaints Board for Tenders, and whether the complaint has been submitted during the standstill period, cf. 4. In cases where the complaint has not been lodged during the standstill period, the complainant also state whether a suspensive effect of the complaint is requested, cf. the Complaints Board Act, section 12, subsection. 1.

The Complaints Board for the E-mail Address of the Tender is specified in section VI.4.1).

The Complaints Guide from the Complaints Board for Tenders can be found on the Complaints Board's website.

**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](mailto:kfst@kfst.dk)

Telephone: +45 41715000

Internet address: [www.kfst.dk](http://www.kfst.dk)

**VI.5. Date of dispatch of this notice**

04/07/2023