

**Germany-Hamburg: Offshore services**  
**OJ S 236/2014 06/12/2014**  
**Contract notice – utilities**  
**Services**

**Directive 2004/17/EC**

**Section I: Contracting entity**

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**I.1. Name and addresses**

Official name: DanTysk Offshore Wind GmbH

Postal address: Überseering 12

Town: Hamburg

Postal code: 22297

Country: Germany

For the attention of: Herr Voigt

E-mail: [thomas.voigt@vattenfall.de](mailto:thomas.voigt@vattenfall.de)

Telephone: +49 40790222587

Fax: +49 40790222504

**Internet address(es):**

General address of the contracting entity: [www.vattenfall.de](http://www.vattenfall.de)

**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:** Official name: DanTysk Offshore Wind GmbH c/o Vattenfall GmbH

Postal address: Überseering 12

Town: Hamburg

Postal code: 22297

Country: Germany

For the attention of: Angebotseingangsstelle

Internet address: [www.vattenfall.de](http://www.vattenfall.de)

**I.2. Main activity**

Electricity

**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**

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**II.1. Description**

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

DanTysk steel structures with exception of WTG towers inspection, maintenance and repairs.

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

Services

Service category No 1: Maintenance and repair services

Main site or place of performance: DanTysk, located in the German part of the North Sea, within the German Exclusive Economic Zone (EEZ).

NUTS code DEZZZ Extra-Regio NUTS 3

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

### **II.1.4. Information about framework agreement**

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

The contract shall comprise the inspection, maintenance and repair services for the steel structures of the DanTysk wind farm. The scope of work shall cover the planning, managing and performance of the structural above water level inspection, maintenance and repair services for eighty (80) wind turbine generator (WTG) foundations, one (1) offshore substation (OSS) jacket foundation and topside as well as one (1) offshore accommodation platform (OAP) jacket and topside. The scope of work shall include optional the below water inspection and maintenance services.

The inspection, maintenance and repair works need to be performed in accordance with applicable law, standards and regulations, the requirements of the Bundesamt für Seeschifffahrt und Hydrographie and the requirements of the Employers designated certifier.

### **II.1.6. CPV code(s)**

76520000 Offshore services, 45259000 Repair and maintenance of plant, 45223210 Structural steelworks

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

The procurement is covered by the Government Procurement Agreement: no

### **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**

The contract shall comprise the works to be performed under normal offshore working hours, that means: (1) 12 hours per day, (2) To be placed between 1 hour prior to daylight and 1 hour after sundown, (3) 7 days per week, (4) In a 2 weeks work shift pattern. Any deviations from the normal offshore working hours shall be agreed between the Employer and the Contractor upon prior to commencement of the works. The service period for the inspection and maintenance works shall be generally planned in the period between May and September; The Employer will have 6 weeks flexibility within this period to set the start date for the inspection and maintenance works. The start date shall be notified 2 months prior to the actual start from the Employer to the Contractor. 2 weeks before the planned starting date, the Employer has the option to change the agreed date up to 10 days before or postpone it for 10 days.

Above water level structures Inspection and Maintenance (I&M) services, — including splash zones and airtight area:

The services to be provided by the Contractor shall cover:

a) General inspection of condition and coating conditions for

— WTG foundation inner and outer hull,

— OSS above water foundation and topside (special climbing needed),

- OAP above water foundation and topside (special climbing needed).
- b) Visual inspections of access and working platforms for all WTG foundations, OSS and OAP
- c) Visual inspections of internal platforms for WTG foundation only.
- d) All external and internal ladders
- e) All boat landings.
- f) Connecting points of Transition piece (TP) & Monopile (MP), boat landings for WTG foundation only.
- g) Marine growth removal (where needed).
- h) Repair of coating damages.

The I&M activities of the WTG foundations and the OSS foundation are to be performed during 2015 and for the OAP foundation in 2016.

Repair works:

The Contractor shall provide a cost and time estimation for conducting any necessary repairs found during the inspection and maintenance works. Repair works shall be performed only with the Employer's approval. It is in the Employer's choice to delegate repair works also to a third party. The Contractor will provide all labour, supervision of labour, tools, equipment and transport required. Existing logistics by the Employer or the Contractor shall be utilized in such cases whenever possible.

The repair works shall be planned in correspondence with the Employer. The repair works shall be performed in accordance with the original specification of the construction to be prepared. Any deviation of the method needs to be agreed with the Employer. The Contractor shall be liable for defects in the repair works as provided for in the Contract. However, such liability shall be limited to a period of twenty-four (24) months from the completion of such repair works.

Personnel:

The Contractor shall provide sufficient and qualified personnel necessary to properly perform the work at all times. The Contractor shall perform the work complying with the occupational, safety and health codes and regulations as the Employer requests. The Contractor may subcontract minor parts of the works upon request towards and approval by the Employer. The Contractor shall describe the services where Subcontractors are likely to be involved. The Subcontractors shall perform the work complying with the occupational, safety and health codes and regulations as the Employer requests. The Employer has the right to reject the proposed Subcontractors by reasonable arguments.

Logistics:

The Employer is to provide transport equipment for the transfer of persons and goods between the wind farm and Esbjerg harbor as well as within the wind farm. Decision on what transport equipment stays with the Employer.

The Employer will provide accommodation upon agreement with the Contractor.

Any vessel and equipment required for the below water inspection and maintenance is subject to provision of the Contractor.

Option on Logistics:

The Employer will ask optional for an offer on the transfer of persons and goods between the wind farm and Esbjerg harbor as well as within the wind farm.

II.2.2) Options (if applicable)

I&M services to cover:

- a) Full fall arrest system service and maintenance scope including authorized staff for Latchway system.
- b) Electrical parts (e.g. signal lights).
- c) Cranes: WTG foundations Palfinger crane, OSS (Dragon/Double D) crane and OAP cranes including required Unfall Verhütungsvorschrift (UVV) test and certification every 5 years.

- d) Sonar transponders exchange and maintenance.
- e) Scour protection survey.
- f) Structural I&M services below water level including:
  - General visual inspection (e.g. remote operated vessel (ROV) inspection) of pipes (OSS and OAP), cable protection and entry system,
  - Close visual inspection, when needed (diving inspection),
  - Impressed current cathodic protection (ICCP) system,
  - Marine growth analysis and cleaning (including scour monitoring equipment, boat landing and access ladders),
  - Boat landing and ladders under water level,
  - Inspection of coating damage — WTG, OSS and OAP foundation,
  - Repair of coating damages — WTG, OSS and OAP foundation,
  - Sacrificial anodes (internal airtight area) — WTG foundations,
  - Bellmouths (OSS).

### **II.2.2. Information about options**

Options: yes

Description of options: Option 1): Possible extension of Contract duration; 3 times, each for 1 year up to 4 years in total.

Option on Logistics:

The Employer will ask optional for an offer on the transfer of persons and goods between the wind farm and Esbjerg harbor as well as within the wind farm.

II.2.2) Options (if applicable)

I&M services to cover:

- a) Full fall arrest system service and maintenance scope including authorized staff for Latchway system.
- b) Electrical parts (e.g. signal lights).
- c) Cranes: WTG foundations Palfinger crane, OSS (Dragon/Double D) crane and OAP cranes including required Unfall Verhütungsvorschrift (UVV) test and certification every 5 years.
- d) Sonar transponders exchange and maintenance.
- e) Scour protection survey.
- f) Structural I&M services below water level including:
  - General visual inspection (e.g. remote operated vessel (ROV) inspection) of pipes (OSS and OAP), cable protection and entry system.
  - Close visual inspection, when needed (diving inspection).
  - Impressed current cathodic protection (ICCP) system.
  - Marine growth analysis and cleaning (including scour monitoring equipment, boat landing and access ladders).
  - Boat landing and ladders under water level.
  - Inspection of coating damage — WTG, OSS and OAP foundation.
  - Repair of coating damages — WTG, OSS and OAP foundation.
  - Sacrificial anodes (internal airtight area) — WTG foundations.
  - Bellmouths (OSS).

### **II.2.3. Information about renewals**

This contract is subject to renewal: no

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

Start 1.5.2015 Completion 30.4.2016

## **Section III: Legal, economic, financial and technical information**

### **III.1. Conditions related to the contract**

#### **III.1.1. Deposits and guarantees required**

In case that the bidder is no Ultimate Parent Company the bidder has to provide a Parent Company Guarantee in addition to other Guarantees. Details will be provided in the invitation to tender (ITT).

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

Details will be provided in the invitation to tender (ITT).

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

2 or more applicants may also form a grouping in the form of an application consortium in order to obtain an ITT. No specific legal form is required but the individual members of such a consortium should be jointly and separately liable for performance of the contract. The application and later bidder consortium shall remain unchanged throughout the whole procedure until the works have been completed. If unforeseen circumstances require a change in the composition of such consortium, the awarding authority may allow such change at its sole discretion provided that the change does not distort competition amongst the applicants.

#### **III.1.4. Contract performance conditions**

The performance of the contract is subject to particular conditions: no

### **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. Cover letter with information about the applicant's business case and the structure of applicant's entity. (other information)
2. Copy of an up to (not older than 6 months since announcement date) date registry entry in the companies or professional register (or similar) of the country in which the applicant is seated, issued by the responsible authority. (minimum condition).
3. Confirmation of current membership of a professional association (e.g. Chamber of Engineers or similar organization) of the country in which the applicant is seated, issued by the responsible authority. (other information)
4. Current confirmation of payment of taxes and social security contributions in the country in which the applicant is seated, issued by the responsible authority (e. g. Germany: Finanzamt and Krankenkasse; UK: HM revenue and customs; The Netherlands: Belastingdienst; Denmark: Erhvervs- og Selskabsstyrelsen) (minimum condition).
5. Self-declaration that no legally binding judgement has been passed relating to offences in the sense of § 21 Abs. 1 and 2 SektVO. (minimum condition).
6. Self-declaration about the absence of the following circumstances (minimum conditions):
  - a) any preconditions which could lead to bankruptcy or any similar financial situation,
  - b) convictions for an offence committed by applicant or applicant's management in connection with professional conduct,
  - c) any circumstances with regard to grave professional misconduct committed by applicant or applicant's management,
  - d) of the fact that the applicant has not been charged by a court to be in serious breach of a contract,
  - e) of any conflict of interest,

f) of any misrepresentation in supplying the information required by awarding authority of contacts with other applicants or bidders with the purpose of restraining competition (e.g. due to lack of funds).

For further information please check No. VI.3) of this notice.

The lack of confirmations/declarations/documentation designated as 'minimum condition' information/formalities will result in exclusion from the further award procedure.

If the bidder or bidder consortium, if this is applicable for the scope of work, intends to make use of the resources of third parties/sub-contractors for confirmation of the performance capability in the course of the participation competition, the above declarations and confirmations regarding to the proportional scope of work must also be submitted with regard to the third parties/sub-contractors.

### **III.2.2. Economic and financial ability**

List and brief description of conditions: 1. Information and formalities necessary for evaluating if the requirements are met: i. Respondent or, if applicable its parents, shall have the reputable and healthy financial standing necessary to execute the announced Contract with the corresponding risk profile. The yearly turnover average over the last 3 years will be minimal 1 times the Estimated Contract value.

2. Information part of the Respondents Application: Full audited, consolidated annual reports, including management report and explanatory notes and with a non-qualified auditor opinion, for the most recent three years for the Respondent and, if applicable its parents. In case of a Joint Venture, please include this information for each partner. Additional financial information must be provided that relates specifically to the field of business related to the scope of the announced contract.

3. At contract award, Respondent is willing to issue performance bonds of approx. 15 % of the annual contract amount, valid for the contract duration, in a form and amount acceptable to Vattenfall and by an independent, third party bank with a minimum A-/A3 (rating by Standard Poor's and/or Moody's).

4. Information part of the Respondents Application: Duly signed declaration from the Respondent stating its unconditional willingness to issue such guarantee at contract award or as stated in the Contract.

5. Information required at conditional contract award: Duly signed Performance Guarantee part of the Contract and according to the format included in the ITT.

6. At contract award, Respondent is willing to issue security for any advance payments with advance payment bonds in a form and amount acceptable to Vattenfall and by an independent, third party bank with a minimum rating of A-/A3 (rating by Standard Poor's and/or Moody's).

7. Information part of the Respondents Application: Duly signed declaration from the Respondent stating its unconditional willingness to issue such guarantee at contract award or as stated in the Contract.

8. Information required at conditional contract award: Duly signed Advance Payment Guarantee part of the Contract and according to the format included in the ITT.

9. Respondent shall provide an overview of the corporate legal structure of Respondents or its parent (if applicable).

10. Information part of the Respondents Application: Overview of corporate legal ownership structure of Respondent or, if applicable, its parents.

11. A full credit check and financial assessment will be part of the evaluation procedure.

All these informations are other information.

### **III.2.3. Technical and professional ability**

- List and brief description of conditions:
1. References (not older than 5 years) for the services as requested under II.1.5) and II.2.1) including detailed information of the following: a) Detailed information of services provided for projects of comparable complexity.
  2. Confirmation that the applicant, in the event of contract award, is able to fulfil all requirements of the contract.
  3. Information on the applicant's Health Safety and Environment management system (including statistics about accidents or lost time incidents for a period of the last 3 years).
  4. Organisation chart of the company.
  5. Knowledge and skills description of personnel (e.g. electricians, welders, divers).

#### **III.2.4. Information about reserved contracts**

#### **III.3. Conditions specific to services contracts**

##### **III.3.1. Information about a particular profession**

Execution of the service is reserved to a particular profession: no

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

### **Section IV: Procedure**

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#### **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**

no

##### **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**

12.1.2015

##### **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

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#### 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

The application and tender procedure is conducted in accordance with EU procurement regulations.

Pursuant to this regulation the following procedural guidelines have to be observed:

##### A. Formal

1. The participation application and the corresponding confirmations/declarations /documentation must be made in writing in English language and additional electronic on a data carrier (CD) (submission to the specified point of contact by the closing date — submission by telefax or electronic form, e.g. by e-mail, is not sufficient).
2. All declarations and confirmations specified in the announcement must be submitted completely. The participation application, confirmations and declarations must be signed personally in original and as legally binding. Copies or Scans of signatures are not allowed.
3. The application documents must be structured according to No. III. 2) and have to contain the requested information in the respective category. Otherwise the awarding authority is not obliged to take such information into consideration. A reference to an earlier application is not sufficient.
4. The application must contain the applicant's consent to the fact that the awarding authority may be exchanged with another entity. It might be necessary to change the awarding authority to a separate legal entity within the group of the awarding authority in the course of the tender procedure.
5. Applicants who are not seated in Germany shall submit their registry copies, confirmations, certifications and qualifications in accordance with the legal requirements of the seating country.
6. Applicants shall state in their application details of any service(s)/work for execution of services, are to be awarded to third parties as subcontractors. In such case, an index of subcontractors with corresponding service(s)/work and the necessary information/declarations /confirmations must be attached to the application.
7. The obligation of the submission of certificates is not applicable, if a comparable register does not exist or if a registration is not necessary in the particular country. In this case applicant has to give sufficient evidence that a comparable register does not exist or if a registration is not necessary.
8. The required information, declarations and confirmations do not constitute minimum conditions. Essential information, i.e. information which absolutely must be submitted by the end of the application period, is designated as 'minimum conditions'. Delay or failure to submit information designated as 'minimum conditions' will result in exclusion from the procedure. The awarding authority reserves the right to require further declarations and confirmations, but is not obliged to do so, neither are the applicants entitled to complete their documents.
9. The decision on the invitation to tender will take into account the principles of transparency, equal access, publicity and equal treatment.

10. Regarding to the technical capacity (point III.2.3 of this publication) and deviant to the additional information (point VI.3 of this publication) the bidder has to be able to create necessary documents for permissions in German.

11. The awarding authority is not liable for any costs incurred by the applicants nor shall it reimburse any expenses or losses which applicants incur or suffer in connection with the application procedure, including in the event of a cancellation.

B. Selecting the operators who will be invited to tender.

The awarding authority will examine the participation applications in a four-stage process:

1. Examination of the required confirmations and qualifications,
2. Examination of potential reasons for exclusion ('minimum conditions'),
3. Examination of the suitability of the applicant in accordance with the published participation conditions which are not designated as minimum condition.

4. In case that, as an result of the examination more than 5 applicants will meet the required demands, the awarding authority reserves the right to send out the invitation to tender (ITT) to the most suitable applicants in consideration of the following qualification criteria:

— All required information, declarations and confirmation designated as 'other information' will be evaluated each with 1 point if submitted; otherwise with 0 points. In total: 12 points.

— Information, declaration and confirmation regarding the technical capacity (point III.2.3 of this publication) of the applicant will be evaluated in total with 10 points by the awarding authority (2 points for each reference, max. 10 points).

The evaluation will follow in accordance with the valuation rules for the particularly qualification criteria.

The selection of applicants will follow the ranking as a summary of the awarded scores. The Awarding Authority reserves the right in the case that more than 5 applicants fulfil the requirements to select the 5 best applicants based on the ranking list. The higher the rank, the better.

C. Conditions relating to the contract

1. The contract award is subject to approval by the corporate bodies of the awarding authority (i.e. Board of Directors of Vattenfall AB) (organ reservation).

2. The contract award is subject to the confirmation by the awarding authority that the work described in this announcement will be carried out with commercial reasonableness.

3. The contract award is subject to the issuance of the necessary permits, approvals and regulatory licenses.

4. The awarding authority reserves the right to cancel the tender procedure in its entirety or in parts at any time.

5. The awarding authority is not liable for any costs incurred by the bidders nor shall it reimburse any expenses or losses which bidders incur or suffer in connection with the tender procedure, including in the event of a cancellation.

#### **VI.4. Procedures for review**

##### **VI.4.1. Review body**

Official name: Vergabekammer bei der Finanzbehörde Hamburg

Postal address: Gänsemarkt 36

Town: Hamburg

Postal code: 20354

Country: Germany

##### **VI.4.2. Review procedure**

Precise information on deadline(s) for review procedures: Exact instructions with respect to the deadlines for the filing of legal complaints:

Appeals have to be done immediately; the undefined term 'immediately' is hereby fixed on 5 calendar days.

In accordance with § 107 Abs 3 S. 1 Nr 2, 3 and 4 GWB (Gesetz gegen Wettbewerbsbeschränkungen; German Competition Act), a 'Nachprüfungsantrag' (formal review proceedings) is inadmissible:

- a) if violations of tender regulations that can be recognized in the announcement have not been complained against towards the tendering authority before the date referred to in the announcement for the submission of bids or applications (§ 107 Abs 3 S. 1 Nr 2 GWB).
- b) if violations of tender regulations that can only be recognized in the tender documents have not been complained against towards the tendering authority before the date referred to in the announcement/the invitation to submit a bid for the submission of bids or applications (§ 107 Abs 3 S. 1 Nr 3 GWB).
- c) if more than 15 calendar days have passed since the reply by the tendering authority that he will not remedy a complaint.

**VI.4.3. Service from which information about the review procedure may be obtained**

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

3.12.2014