

Denmark-Skærbæk: Research and development services and related consultancy services
OJ S 229/2016 26/11/2016
Contract notice – utilities
Supplies

Legal Basis:

Directive 2014/25/EU

Section I: Contracting entity

I.1. Name and addresses

Official name: DONG Energy Thermal Power A/S

National registration number: 27446469

Postal address: Kraftværksvej 53

Town: Skærbæk

NUTS code: DK0 Danmark

Postal code: 7000

Country: Denmark

Contact person: Jens Munk

E-mail: xmunk@dongenergy.dk

Telephone: +45 61280689

Internet address(es):

Main address: <http://www.dongenergy.dk>

I.3. Communication

Access to the procurement documents is restricted. Further information can be obtained at:

<https://goo.gl/r9zBe2>

Additional information can be obtained from the abovementioned address

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://goo.gl/r9zBe2>

I.6. Main activity

Production, transport and distribution of gas and heat

Section II: Object

II.1. Scope of the procurement

II.1.1. Title

Technology Licence for the conversion of unsorted municipal unsorted household waste into bioenergy, primarily biogas.

II.1.2. Main CPV code

73000000 Research and development services and related consultancy services - FC02

II.1.3. Type of contract

Supplies

II.1.4. Short description

DONG Energy Thermal Power A/S is tendering to procure a licence for a technology that shall be used to increase the recycling of unsorted Municipal Solid Waste ('UMSW') by transforming UMSW to bioenergy, primarily biogas and recyclable residuals. The technology shall aim to maximise the conversion of organic matter to biogas and to deliver material streams with a high potential for recycling.

The licence shall transfer all and every right to use the technology in EU and EEA to DONG Energy Thermal Power A/S, hereunder the right to sell, build, own and operate any plant using the technology in EU and EEA.

DONG Energy Thermal Power A/S shall also have the right to transfer any rights to the use of the technology to third party.

The seller of the licence shall continue to work with DONG Energy Thermal Power A/S on a consulting basis and participate and supervise the design and commissioning of new plants utilizing the technology.

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)

45222100 Waste-treatment plant construction work, 79723000 Waste analysis services, 90500000 Refuse and waste related services, 90513000 Non-hazardous refuse and waste treatment and disposal services, 73111000 Research laboratory services, 73210000 Research consultancy services, 73300000 Design and execution of research and development, 45251000 Construction works for power plants and heating plants, 09123000 Natural gas - RC07

II.2.3. Place of performance

NUTS code: DK Danmark

Main site or place of performance: The licence shall cover any and all rights related to the technology in EU and EEA.

II.2.4. Description of the procurement

DONG Energy Thermal Power A/S is tendering to procure a licence for a technology that shall be used to increase the recycling of unsorted Municipal Solid Waste ('UMSW') by transforming UMSW to bioenergy, primarily biogas and recyclable residuals. The technology shall aim to maximise the conversion of organic matter to biogas and to deliver material streams with a high potential for recycling.

The licence shall transfer all and every right to use the technology in EU and EEA to DONG Energy Thermal Power A/S, hereunder the right to sell, build, own and operate any plant using the technology in EU and EEA.

DONG Energy Thermal Power A/S shall also have the right to transfer any rights to the use of the technology to third party.

The seller of the licence shall continue to work with DONG Energy Thermal Power A/S on a consulting basis and participate and supervise the design and commissioning of new plants utilizing the technology.

II.2.5. Award criteria

Price is not the only award criterion and all criteria are stated only in the procurement documents

II.2.6. Estimated value

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

Duration in months: 84

This contract is subject to renewal: yes

Description of renewals:

DONG Energy Thermal Power A/S shall have the option to prolong the duration of the Contract prior to its expiration by an additional 60 months, two times.

II.2.9. Information about the limits on the number of candidates to be invited

Envisaged number of candidates: 5
Objective criteria for choosing the limited number of candidates:

Maximum 5 applicants will be prequalified for the tender procedure.

If the number of applicants applying for prequalification exceeds 5, the Contracting Entity will perform the prequalification based on an evaluation of each applicant's respective:

1. technical ability — Reference (70 %);
2. economic and financial standing (30 %).

Ad 1) Evaluation of references will be based on the Applicants experience with the commercial use of the technology and succesful construction and operation of pilot scale and/or commercial scale plants using the technology. The more plants utilizing the technology and with a minimum input volume of 500 kg/hr of UMSW and minimum of 1.000 hours of operation the better evaluation. In addition hereto it will also have a positive impact on the evaluation, if the Applicants have references from plants located in various regions of EU and EEA, and thereby having tested the technology on different types of UMSW. The assessment will be based on the information requested in section III 1.3.

Ad 2) The assessment regarding the applicant's economic and financial standing will be based on an overall assessment based upon criteria:

- Equity;
- Solvency ratio.

The assessment will be based on the information entailed in the documentation requested under section III.2.1)–III.2.2).

The better financial and economic standing the better evaluation.

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:

Applicants shall fill out the eESPD document on: <https://ec.europa.eu/growth/tools-databases/espdp/welcome>. The eESPD is a generic application form to be used by Applicants in EU-tenders.

It is not a requirement that the Applicant fills in part III, section A and B of the eESPD. The Contracting Entity is aware that all the grounds for exclusion contained in part III, section A and B of the eESPD is 'pre-filled' without any possibility to un-tick them and leave part III with no answer selected. The Contracting Entity does not take the automatically filled in answers in part III, section A and B into consideration.

The Applicant is encouraged to submit a description of ownership and corporate structure. If the Applicant is a subsidiary, the Applicant shall submit the name of the highest possible group parent — being an entity directly or indirectly controlling more than 50 % of the Applicant. The information should be provided in the eESPD part IV, section B where it says 'Other economic or financial requirements'.

If the description of ownership and corporate structure is not provided in the eESPD, the Contracting Entity reserves the right to set a final deadline for submitting the description. If for technical reasons, the Applicant finds that it is impossible to insert a full description of ownership and corporate structure in the eESPD, the Applicant can consider to upload a separate file in Scanmarket with the description and refer to such file in the eESPD part V.

III.1.2. Economic and financial standing

List and brief description of selection criteria:

The Applicant shall submit information enabling DONG Energy Thermal Power A/S to assess the Applicant's economic and financial capacity.

The Applicant should provide the figures below based on the latest annual report. The Applicant shall submit the information in the eESPD part V stating which financial year the information relates to (e.g. financial year 2015 if this is the latest annual report).

— Total shareholder's equity (Equity including minority shares);

— Solvency ratio = (Total shareholder's equity / Total Assets);

If the Applicant wish to improve its economic and financial assessment by relying on another legal entity, this should be indicated by ticking 'yes' in the eESPD part II C.

Further, the supporting legal entity shall fill in a separate eESPD. If the other supporting entity is a parent company to the Applicant and the companies have consolidated accounts, it is possible to submit financial information for the parent company only but it shall be made clear from part II C of the eESPD that the Applicant relies on the economic and financial information of the parent company or any other supporting entity by ticking 'yes' in section II C of the eESPD: 'Does the economic operator rely on the capacities of other entities'.

If the Applicant is part of a profit sharing agreement with another legal entity, cf. for example Germany's "Ergebnisabführungsvertrag" or equivalent legal arrangement or if the parent company of the Applicant has made a statement according to the Dutch Civil Code article 2: 403 (a '403 statement') or equivalent legal arrangement, Applicant should declare in the eESPD part II c that it relies on another entity. Further the supporting entity shall fill out a separate eESPD. The Applicant or the supporting entity should explicitly mention the profit sharing agreement/403 statement in the eESPD part V. In case of a profit sharing agreement the evaluation will be based on the figures for the financial strongest entity participating in the arrangement. Only this company has to insert financial figures in the eESPD part V. In case of support from a parent company the information will be based on financial figures from both entities which accordingly both have to insert financial figures in the eESPD part V, unless the Applicant and the companies have consolidated accounts, cf. above.

Minimum level(s) of standards possibly required:

— Total Shareholder's equity must be above 20 MDKK;

— Solvency ratio must be above 15 %.

III.1.3. Technical and professional ability

List and brief description of selection criteria:

References;

Please submit information about your patented technology within the scope of the tendered contract, cf. section II.1.4) above.

The Contracting Entity requires the technology to be proven. This means that the key technologies of the Licensor Technology shall have been demonstrated in a relevant industrial environment, i.e. a waste treatment facility.

The Contracting Entity considers the commercial scale (full scale) of waste treatment plants to be in the range of 10 t/h to 40 t/h MSW (wet basis). The key technologies of the Licensor Technology shall have been demonstrated at pilot and/or Commercial scale with at least 500 kg/h and more than 1 000 operational hours. References for pilot scale plants and/or commercial scale plant shall be presented for a period of no more than 3 years dating back from today, in the eESPD section V).

The information shall include:

- Title of the plant;
- Location and Contact details information;
- Plant operational hours;
- Plant volume of UMSW per hour;

In addition please provide information regarding the scope of supply and contractors or sub-contractors role in the project should be listed. The Applicants are encouraged to list information of up to 5 (five) relevant references.

The assessment of the Applicant's technical and professional ability described in section III. 2.3) will be based on the Contracting Entity's evaluation of the information regarding relevant projects and plants entailed in section V of the eESPD.

If the Applicant wishes to improve its technical and professional assessment by relying on the technical capacity of another legal entity, the Applicant should indicate this by ticking 'yes' in the eESPD part II C and the supporting legal entity shall fill in a separate eESPD with the relevant information.

If a consortium submits a request for participation, information must be submitted for each member of the consortium to the extent this is relevant taking into account the consortium members' expected responsibilities in the delivery of the goods.

Minimum level(s) of standards possibly required:

- The Applicant shall as a minimum present one reference for a plant utilizing the technology, that has been running with at least 500 kg/h and more than 1 000 operational hours.

III.1.6. Deposits and guarantees required

Conditions relating to the Contract will be stated in the tender documents, however, please note that the Contracting Entity reserves the right to demand a performance security (for proper performance of all obligations under the Contract) comprising of an on demand performance bond issued by a bank or insurance company.

III.1.7. Main financing conditions and payment arrangements and/or reference to the relevant provisions governing them

Cf. the Tender Conditions.

III.1.8. Legal form to be taken by the group of economic operators to whom the contract is to be awarded

If several companies submit an offer in a consortium the tender must be submitted jointly by the companies who must assume joint and several liability for the tender submission and during the performance of the contracts.

1 of the consortium members must have full procuration to the contracting entity.

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: 09/12/2016 Local time: 12:00

IV.2.3. Estimated date of dispatch of invitations to tender or to participate to selected candidates

Date: 12/12/2016

IV.2.4. Languages in which tenders or requests to participate may be submitted

English

IV.2.6. Minimum time frame during which the tenderer must maintain the tender

Duration in months: 6 (from the date stated for receipt of tender)

Section VI: Complementary information

VI.1. Information about recurrence

This is a recurrent procurement: no

VI.3. Additional information

Please note that only prequalified applicants can submit a tender. It is not possible to submit a tender from for example a sister company or another company within the prequalified Applicant's group.

If the Contract is awarded to a consortium, the members of the consortium shall accept joint and several liability and appoint a common authorised representative.

Please be advised that all communication regarding this tender procedure will be in English.

You can register in Scanmarket here: <https://dongenergy.scanmarket.com/>

Please remember to upload the eESPD(s) with your response.

All uploaded information in Scanmarket will be available to the contracting entity at the expiry of the dead-line although the 'finalize participation' button is not pressed, and the contracting entity will assess such uploaded applications and/or tenders. However, the contracting entity encourages you to press the 'finalize participation button'. Please note, that in order to obtain a receipt for your submission you should press 'finalize participation'. Once this button is pressed you will not be able to change or resubmit your application/tender, unless you request Scanmarket or DONG Energy to grant you access.

The maximum size of individual files are 200 MB. However, it is possible to submit many files. We suggest that you look into whether it is possible to compress and/or split files that exceed the individual maximum of 200MB using zip or similar archiving software. If you expect to upload big files we suggest that you test the system in good time before the deadline and contact either the contracting entity or Scanmarket if you experience technical difficulties.

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: kfu@erst.dk

Telephone: +45 35291095

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

VI.4.4. Service from which information about the review procedure may be obtained

Official name: Konkurrence- og Forbrugerstyrelsen

Postal address: Carl Jacobsensvej 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

24/11/2016