

**Denmark-Copenhagen: Construction work for buildings relating to artistic performances**

OJ S 134/2023 14/07/2023

Contract notice

Works

**Legal Basis:**

Directive 2014/24/EU

**Section I: Contracting authority**

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**I.1. Name and addresses**

Official name: Det Kongelige Teater

National registration number: 10842255

Postal address: August Bournonvilles Passage 2-8

Town: København K

NUTS code: DK01 Hovedstaden

Postal code: 1017

Country: Denmark

Contact person: Søren Nylin

E-mail: [SONY@kglteater.dk](mailto:SONY@kglteater.dk)

Telephone: +45 25517864

**Internet address(es):**Main address: <https://kglteater.dk/en/>**I.3. Communication**The procurement documents are available for unrestricted and full direct access, free of charge, at: [http://eu.eu-supply.com/app/rfq/rwlenrance\\_s.asp?PID=374046&B=KA](http://eu.eu-supply.com/app/rfq/rwlenrance_s.asp?PID=374046&B=KA)

Additional information can be obtained from the abovementioned address

Tenders or requests to participate must be submitted electronically via: [http://eu.eu-supply.com/app/rfq/rwlenrance\\_s.asp?PID=374046&B=KA](http://eu.eu-supply.com/app/rfq/rwlenrance_s.asp?PID=374046&B=KA)

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

**I.4. Type of the contracting authority**

Body governed by public law

**I.5. Main activity**

Recreation, culture and religion

**Section II: Object**

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**II.1. Scope of the procurement****II.1.1. Title**

Replacement of the Stage Control System and Upgrading of the Stage Machinery of The Royal Theatre

**II.1.2. Main CPV code**

45212320 Construction work for buildings relating to artistic performances

**II.1.3. Type of contract**

Works

#### **II.1.4. Short description**

Replacement of manual counterweights and counterweight assist hoists with direct lift hoists, replacement of overstage and understage control system including electrical drives with pluggable and/or switchable spares and integrated control system with multiple desks. Replacement of revolve drive mechanism and upgrading of lighting bridge hoists.

#### **II.1.5. Estimated total value**

Value excluding VAT: 35 000 000,00 DKK

#### **II.1.6. Information about lots**

This contract is divided into lots: no

### **II.2. Description**

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

42418000 Lifting, handling, loading or unloading machinery, 45212322 Theatre construction work, 45237000 Stage construction works, 48151000 Computer control system, 34990000 Control, safety, signalling and light equipment, 42900000 Miscellaneous general and special-purpose machinery

#### **II.2.3. Place of performance**

NUTS code: DK011 Byen København

Main site or place of performance: København K

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

Provision of design, manufacturing, installation, and commissioning services to:

- 1) Install new direct lift hoists to flybars.
  - 2) Install new up/downstage flybars.
  - 3) Install new portal rigging bars.
  - 4) Add load cells, crossed groove and slackwire sensors to Lighting Bridge Hoists.
  - 5) Provide a cable management rail system.
  - 6) Integrate the Moving Header and Chandelier Hoist into the new control system.
  - 7) Provide distributed electrical drive cabinets for all overstage machines complete with cross-pluggable spare drives.
  - 8) Replace the revolve drive mechanism and add barcode absolute position encoder.
  - 9) Replace electrical drive for revolve.
  - 10) Replace control electronics on all four stage elevators.
  - 11) Replace central control system, servers, network, and UPS equipment.
  - 12) Provide a number of both large fixed and smaller wireless control desks with new cabling infrastructure to control outlets.
  - 13) Install a new machinery mezzanine above the grid with machine guarding to all hoists.
  - 14) Decommissioning, strip-out and transfer to stage level of all redundant equipment.
- Please see Appendix 1 for further description.

#### **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**

Value excluding VAT: 35 000 000,00 DKK

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

Duration in months: 12

This contract is subject to renewal: no

#### **II.2.10. Information about variants**

Variants will be accepted: no

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

Options: yes

Description of options:

Access openings in Grid and Mezzanine Floor with Lifting Equipment

#### **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**

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#### **III.1. Conditions for participation**

##### **III.1.2. Economic and financial standing**

List and brief description of selection criteria:

The tenderer must submit the European Single Procurement Document ("ESPD") with the following information:

The tenderer's equity in the most recent financial year available and

The tenderer's total annual turnover in the three latest financial years available

If the tenderer relies on the economic and financial capacity of other entities in relation to the fulfilment of minimum requirements, see below, the tenderer and the entities in question will be required by the contracting entity to undertake joint and several liability for the performance of the contract.

The ESPD serves as provisional documentation that the tenderer fulfils the minimum suitability requirements in respect of economic and financial capacity.

Before the award decision is made, the tenderer to whom the contracting entity intends to award the contract must submit documentation that the information stated in the ESPD is accurate.

Upon the contracting entity's request, the following documentation of economic and financial capacity must be submitted:

The operator's balance sheets or extracts from balance sheets in the most recent annual report /financial statement available if publication of the balance sheets is required under law in the country in which the operator is established, or other documentation of the size of the equity.

For groups of operators (e.g. a consortium), the information in the most recent annual report /financial statement available must be submitted for each participating operator in the group. Where an operator relies on the economic and financial capacity of other entities (e.g. a parent company, a sister company or a subcontractor), information for such other entities must be provided as well.

A statement regarding the operator's total turnover in the three most recent annual reports /financial statements available, depending on when the operator was set up or started trading, if the figures for this turnover are available. For groups of operators (e.g. a consortium), the information in the three most recent annual reports/financial statements available must be submitted for each participating operator in the group. Where an operator relies on the economic and financial capacity of other entities (e.g. a parent company, a sister company or a subcontractor), information for such other entities must be provided as well.

Minimum level(s) of standards possibly required:

As a minimum requirement, the tenderer must show a positive (above zero) equity in the most recent annual report/financial statement available. If the tenderer relies on the capabilities of other entities, the equity is to be calculated as the total equity of the operator and such other entities in the most recent annual report/financial statement available. For groups of operators (e.g. a consortium), the equity is calculated as the total equity of the operators in the most recent annual report/financial statement available. The information is to be stated in section IV. B of the ESPD.

As a minimum requirement, a total annual turnover of at least EUR 8 million is required in each of the three latest annual reports/financial statements available. If the tenderer relies on the capacities of other entities, the turnover is to be calculated as the total turnover of the tenderer and such other entities in each of the three latest annual reports/financial statements available. For groups of operators (e.g. a consortium), the turnover is calculated as the total turnover of the operators in each of the three latest annual reports/financial statements available. The information is to be stated in section IV.B of the ESPD.

### **III.1.3. Technical and professional ability**

List and brief description of selection criteria:

Tenderer must in the ESPD provide the following information:

Details of at least 3 references regarding comparable services, (see sections II.1.4) and II.2.4), that the tenderer has completed in the latest 7 years before the deadline for tender submission.

To fulfill the minimum requirement stated below, the 3 references shall individually or combined include examples of all of the following:

- renovation of a wire rope driven stage revolve;
- complete control system upgrades of a third-party installation (not upgrades of the tenderer's own installations);
- provision of distributed drives with spare drives that are cross plugged with automatic re-assignment of hoist ID after patching;
- provision of a control system with the following key features:
  - third party certification to the EN61508 functional safety standard (or equivalent) from a nationally approved Notified Body;
  - a fully redundant control network and central servers with seamless failover in the event of a network, server, or control desk failure;
  - an integrated telemetry system capable of recording all operator interactions plus real-time hoist and drive parameters for the duration of every axis motion, all for later analysis by local or remote service personnel;
  - wireless control desks that operate on Wi-Fi frequencies in both the 2.4GHz and 5GHz Bands;

Only references relating to works carried out at the time of submission of tender will be given importance in the evaluation of whether the minimum requirements regarding technical and professional capacity have been complied with, see below. Hence, in the case of an ongoing task, only the part of the works already performed at the time of submission of tender will be included in the evaluation of the reference.

Each reference is requested to include a brief description of the deliveries made. The description of the delivery should include a clear description of the works set out in sections II. 1.4) and II.2.4) to which the delivery relates and the tenderer's role(s) in the performance of the delivery. The reference is furthermore requested to include the financial value of the delivery (amount), the date of delivery and the name of the customer (recipient).

When indicating the date of the delivery, the tenderer is requested to indicate the date of commencement and finalisation of the delivery. If this is not possible, for example if the tasks

were performed on a continuous basis under a framework agreement, the tenderer is asked to indicate how the date is specified.

No more than 5 references may be stated, irrespective of whether the tenderer is a single operator, whether the tenderer relies on the technical capacity of other entities, or is a group of operators (e.g. a consortium). Where more than five references are stated, only the most recent five references will be taken into account. Any additional references will be disregarded. If it is not possible to decide which references are the most recent five references, the references will be selected by drawing lots.

The ESPD serves as provisional documentation that the tenderer fulfils the minimum suitability requirements in respect of technical and professional ability, see section III.1.3).

Before the award decision is made, the tenderer to whom the contracting entity intends to award the contract must submit documentation that the information stated in the ESPD is accurate, including the third party certificates regarding functional safety stated above.

No additional documentation of technical and professional capacity will be required from the tenderer. However, the contracting entity reserves the right to contact the tenderer or the customer stated in the reference for verification of the information stated in the reference, including the dates of the reference indicated.

Minimum level(s) of standards possibly required:

At least three (3) references regarding delivery of comparable works completed within the latest 7 years. The references must individually or combined include the works stated above in section III.1.3). The combined value of the references must be at least EUR 10 million.

## **III.2. Conditions related to the contract**

### **III.2.2. Contract performance conditions**

The contract includes a labour clause obligating the tenderer to ensure that workers who contribute to the performance of the contract in Denmark are secured pay, hours of work and other labour conditions which are not less favourable than those established for work of the same character under a collective agreement entered into by the most representative organisations of workers and employers in Denmark in the trade or industry concerned in force throughout the territory of Denmark.

The contract lays down requirements on compliance with the law on processing of personal data.

If the contract is awarded to a group of operators (such as a consortium), the participants of the group must undertake joint and several liability and appoint a joint representative.

### **III.2.3. Information about staff responsible for the performance of the contract**

Obligation to indicate the names and professional qualifications of the staff assigned to performing the contract

## **Section IV: Procedure**

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### **IV.1. Description**

#### **IV.1.1. Type of procedure**

Open procedure

#### **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: 11/08/2023 Local time: 10:00

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

### **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: 3 (from the date stated for receipt of tender)

### **IV.2.7. Conditions for opening of tenders**

Date: 11/08/2023 Local time: 10:00

## **Section VI: Complementary information**

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### **VI.1. Information about recurrence**

This is a recurrent procurement: no

### **VI.2. Information about electronic workflows**

Electronic invoicing will be accepted

Electronic payment will be used

### **VI.3. Additional information**

The tenderer must together with its tender submit an ESPD as preliminary documentation of the circumstances set out in section 148(1), paras 1-3 of the Danish Public Procurement Act (udbudsloven). For groups of operators (e.g. a consortium), a separate ESPD must be submitted for each participating operator. If the tenderer relies on the capabilities of other entities, an ESD must be submitted for each of the entities on which the tenderer relies. In this procedure, the tenderer may rely on the technical and/or financial capacity of other operators to fulfil the suitability requirements stated in section III.1.2) and III.1.3). The operator (s) making its/their technical and/or financial capacity available to the candidate must sign a letter of commitment, see further in the tender specifications. The form is enclosed as an attachment to the tender specifications.

Re section III.1.3): If the tenderer relies on the professional experience of other entities for the performance of specific parts of the services comprised by the contract, see sections II.1.4) and II.2.4), such specific parts of the services under the contract must be performed by the entity on which the tenderer relies.

The tenderer will be excluded from participation in the tender procedure if the tenderer is subject to the compulsory grounds for exclusion set out in sections 134 a, 135 and 136 of the Danish Public Procurement Act and the voluntary ground for exclusion set out in section 137 (2), unless the tenderer has submitted sufficient documentation of its reliability in accordance with section 138 of the Danish Public Procurement Act.

Before the award decision is made, the tenderer to whom the contracting entity intends to award the contract must provide documentation of the information submitted in the ESPD pursuant to sections 151-152, cf. section 153 of the Danish Public Procurement Act. As an alternative to the documentation mentioned in sections 153-155, 157 and 158 of the Danish Public Procurement Act, the tenderer may submit to the contracting entity a certificate of registration in an official list of approved economic operators, see section 156 of the Danish

Public Procurement Act, issued by the competent authority. The contracting entity only accepts certificates of registration in an official list from tenderers established in the country holding the official list.

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Further information:

As regards section II.2.7): Signing of the contract is expected to take place in August 2023 and the works must be completed by August 2024. An information meeting including a site visit is expected to be held 19 July 2023 at 12.00 CET at the address Kongens Nytorv 9, 1017 Copenhagen. The contracting entity reserves the right to change the meeting into a virtual meeting and change the date of the meeting. Notification hereof will be given no later than 7 days before the meeting. Operators interested in participating in the meeting are asked to sign up via the electronic tendering system not later than 3 days before the meeting with indication of business name and number of participants. The contracting entity may reduce the number of participants per business.

The contracting entity may use the procedure of section 159(5) of the Danish Public Procurement Act in the event that tenders do not comply with the formal requirements of the procurement documents.

See also the document "Additional information about the contract notice" which contains additional information regarding this section. The document is accessible via the electronic tendering system at the address set out in section I.3).

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

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

Official name: Klagenævnet for Udbud

Postal address: Nævnenes Hus, Toldboden 2

Town: Viborg

Postal code: 8800

Country: Denmark

E-mail: [kifu@naevneshus.dk](mailto:kifu@naevneshus.dk)

Telephone: +45 72405600

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

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

Precise information on deadline(s) for review procedures:

Pursuant to the Danish Act on the Complaints Board for Public Procurement, etc. (lov om Klagenævnet for Udbud m.v.) (the Act is available (in Danish) at [www.retsinformation.dk](http://www.retsinformation.dk)), the following deadlines apply to the lodging of complaints:

Complaints for not having been selected must be submitted to the Danish Complaints Board for Public Procurement before the expiry of 20 calendar days, see section 7(1) of the Act, from the day after submission of notification to the candidates concerned of the identity of the successful tenderer where the notification is accompanied by an explanation of the grounds for the decision in accordance with section 2(1), para (1) of the Act and section 171(2) of the Danish Public Procurement Act.

In other situations, complaints of award procedures, see section 7(2) of the Act, must be lodged with the Danish Complaints Board for Public Procurement before the expiry of:

1) 45 calendar days after the contracting entity has published a notice in the Official Journal of the European Union that the contracting entity has entered into a contract. The deadline is calculated from the day after the day when the notice was published.

2) 30 calendar days calculated from the day after the day when the contracting entity has notified the candidates concerned that a contract based on a framework agreement with

reopening of competition or a dynamic purchasing system has been entered into where the notification has included an explanation of the relevant grounds for the decision.

3) 6 months after the contracting entity entered into a framework agreement calculated from the day after the day when the contracting entity notified the candidates and tenderers concerned, see section 2(2) of the Act and section 171(4) of the Danish Public Procurement Act.

4) 20 calendar days calculated from the day after the contracting entity has submitted notification of its decision, see section 185(2) of the Danish Public Procurement Act.

Not later than at the time of lodging a complaint with the Danish Complaints Board for Public Procurement, the complainant must notify the contracting entity in writing that a complaint has been lodged with the Danish Complaints Board for Public Procurement and whether the appeal was lodged during the standstill period, see section 6(4) of the Act. In cases where the complaint was not lodged within the standstill period, the complainant must furthermore indicate whether a suspensory effect of the complaint has been requested, see section 12(1) of the Act.

The e-mail address of the Complaints Board for Public Procurement is set out in section VI.4.1. The Complaints Board's own complaints procedure is available at <https://naevneneshus.dk/start-din-klage/klagenaevnet-for-udbud/vejledning/>

#### **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: <http://www.kfst.dk>

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

11/07/2023