

**Denmark-Lemvig: Construction work for buildings relating to railway transport**

OJ S 137/2023 19/07/2023

Contract notice – utilities

Works

**Legal Basis:**

Directive 2014/25/EU

**Section I: Contracting entity**

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**I.1. Name and addresses**

Official name: Midtjyske Jernbaner A/S

National registration number: 64640011

Postal address: Banegårdsvej 2

Town: Lemvig

NUTS code: DK041 Vestjylland

Postal code: 7620

Country: Denmark

Contact person: Martin Thomsen

E-mail: [mat@70151000.dk](mailto:mat@70151000.dk)

Telephone: +45 41498810

**Internet address(es):**Main address: <https://www.mjba.dk>**I.3. Communication**

The procurement documents are available for unrestricted and full direct access, free of charge, at: <https://my.ibinder.com/etendering/fd7fc4f9-8f51-498e-e41e-08da134a755e/tenders/BZ069T2QT/public>

Additional information can be obtained from the abovementioned address

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

**I.6. Main activity**

Railway services

**Section II: Object**

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

Charging Infrastructure at Lemvig St.

**II.1.2. Main CPV code**

45213320 Construction work for buildings relating to railway transport

**II.1.3. Type of contract**

Works

**II.1.4. Short description**

Charging Infrastructure at Lemvig St.

**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)**

45234100 Railway construction works, 45310000 Electrical installation work, 45317200 Electrical installation work of transformers, 45232221 Transformer substation

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

NUTS code: DK041 Vestjylland

Main site or place of performance: Lemvig has been designated as a central charging point for the new battery trains.

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

Midtjyske Jernbaner A/S has purchased 7 battery trains as part of the green transition, and this strategy aligns with their goal to be the “greenest” railway in Denmark.

The trains will serve the Holstebro and Skjern lines, as well as Vemb, and Lemvig to Thyborøn. The battery trains are different from regular electric trains as they do not need tracks with electric power lines above them. Instead, they will charge up at specific stations with suitable charging facilities, such as the one in Lemvig. Lemvig has been designated as a central charging point for the new battery trains that will operate on the Vemb/Lemvig and Lemvig /Thyborøn lines. As a result, they will need to develop a new charging infrastructure at the station.

The contract includes a complete power supply and catenary system, to be able to charge the future battery trains, supply for the electrical power system and prepare for future PV and BESS.

The full scope of the contract appears in the tender documents.

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

Criteria below

Quality criterion - Name: Quality / Weighting: 40

Quality criterion - Name: Time Schedule / Weighting: 20

Price - Weighting: 40

### **II.2.6. Estimated value**

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

Start: 27/11/2023

This contract is subject to renewal: no

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

Envisaged minimum number: 1Maximum number: 4Objective criteria for choosing the limited number of candidates:

MJBA will select up to four (4) Applicants who according to their references provide evidence as being the best suited with the most relevant Applicant.

For their evaluation, MJBA will rely on the Applicants' references and compare these with MJBA's descriptions in the tender documents and the contract notice.

For example, as part of this, to which extent the references presented satisfies MJBA that the Applicant is sufficiently experienced with works which, in terms of contents and scope, are similar to the works described in MJBA's tender documents, and that the Applicant can provide evidence of works where the contract is completed or where the works is as close to completion as possible, without delays.

## **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**

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#### **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:

###### 1) Documentation regarding exclusion grounds

If requested by MJBA, the Applicant must provide documentation verifying that they do not fall within the scope of the exclusion grounds by presenting the following:

- An extract of a relevant register or a similar document issued by a competent authority which verifies that the Applicant is not within the scope of the exclusion grounds set out in section 135 (1) of the Public Procurement Act; and
- A certificate issued by a competent authority which verifies that the Applicant is not within the scope of the exclusion grounds set out in section 135(3) and section 137(1), para. 2, of the Public Procurement Act.

For Danish Applicants, this documentation requirement can be met by attaching a service certificate [serviceattest] issued not more than six months before the time of presentation. The Applicant should note that the service certificate must include information about all of the relevant exclusion grounds, including information about the members of the Applicant's board of directors, the executive management or the supervisory council. The Danish Business Authority requests that these individuals submit declarations of consent and solemn declarations before they can be included in the service certificate.

As regards foreign individuals serving as members of the board of directors, the executive management or the supervisory council, the Danish Business Authority further requests that IDs for each of these individuals be uploaded and that their dates of birth be stated.

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###### 2) Documentation verifying economic and financial standing:

As regards the minimum required yearly/annual turnover: Annual reports covering the last three financial years, or a statement from the Applicant's Management or the Applicant's auditor, providing the information about the yearly/annual turnover for the last three financial years.

If the latest financial report includes information about the yearly/annual turnover for the last three financial years, it will suffice to attach this.

The documentation referred to above can be presented by way of documents in Danish or English.

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###### 3) Technical and professional ability

The information provided in the ESPD concerning references is considered sufficient documentation.

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

List and brief description of selection criteria:

General yearly turnover – The Applicant's general yearly turnover for the last three full financial years.

Minimum level(s) of standards possibly required:

As a minimum requirement, the Applicant's yearly turnover must average minimum 70 million DKK over the past three full financial years.

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

List and brief description of selection criteria:

The Applicant's references from the up to five (5) most similar works contracts initiated or completed over the past five years, see also MJBA's description of the contracts in the tender documents and the contract notice.

If the Applicant provides more than five (5) references, only the first five (5) references in the order the references are listed in the ESPD will be included in the selection.

If the Applicant is a consortium or if the Applicant relies on the technical and professional ability of other entities the first five (5) references are counted from the authorized representative or from the Applicant. If the authorized representative or the Applicant has not provided five (5) references, the remaining references from the other participants in the consortium or the supporting entity/entities are counted according to a list of companies in alphabetical order. Within the set maximum of five (5) references, references provided by the other consortium participants or by one or more supporting entities will then be included in the selection in the order the references are listed in the ESPD.

For the purpose of this call for tenders, completion means that the works have been delivered to the client. Completion initiated means for the purpose of this call for tenders that the Applicant has commenced completion of the works in question.

The list of references (the description) should provide information about the client, time period for execution, completion status, including whether the works was completed on time compared with the originally agreed time schedule, a brief description of the works, the contract sum, and the Applicant's role in the project.

For each reference the Start date and the End date. If the reference has not yet been completed, the End date is left blank.

The descriptions in the list of references should provide information about the contact person with each of the clients. The Applicant should expect the client to be contacted concerning the reference.

### **III.1.4. Objective rules and criteria for participation**

List and brief description of rules and criteria:

Applicants must declare not to be covered by the mandatory exclusion grounds set out in section 135(1) and (3) of the Public Procurement Act and also section 10 of Executive Order no. 1624 of 2015.

Voluntary exclusion grounds are valid. See more under additional information section VI.3.

### **III.1.6. Deposits and guarantees required**

The Contractor must provide a performance bond, cf. ABT 18 clause 9. See more in clause 10 in appendix 3.0 Turnkey contract and ABT in the tender documents.

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

See appendix 3.0 Turnkey contract and ABT in the tender documents.

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

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

See appendix 3.0 Turnkey contract and ABT in the tender documents.

## **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**

#### **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: 24/08/2023 Local time: 13:00

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

Date: 08/09/2023

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

## **Section VI: Complementary information**

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

This is a recurrent procurement: no

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

1) MJBA reserves the right to award the contract on the basis of the initial offer (INDO1) and any subsequent initial offers without entering into negotiations. MJBA may therefore choose to award the contract on the basis of an indicative offer, or a subsequent indicative offer (INDO2, INDO3 etc.) without conducting negotiations.

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2) ESPD

The European Single Procurement Document (ESPD) is a standard document developed by the European Commission. Public contracting entities are under an obligation to acquire completed ESPDs from the Applicants or Tenderers taking part in calls for tenders issued under the EU Procurement Directive for Utilities.

The ESPD is attached to the application material in XML format (appendix 2.3).

The ESPD must be completed (and can only be completed) electronically via the ESPD tab in iBinder.

Please see 2.2 Exclusion, suitability, selection and guidance on how to complete the ESPD for more information about how to complete the ESPD.

- Particularly for consortia

If the Applicant is made up of a group of entities (i.e. where several companies join together in a consortium and intend to submit an application as a consortium), each of the companies in the consortium must complete and submit an individual ESPD.

- An Applicant can rely on the economic and financial standing or the technical and professional ability of other entities, notwithstanding the legal nature of the relationship between the Applicant and the entity(-ies) on which the Applicant relies. This could be the case for example when the Applicant alone is unable to meet MJBA's minimum suitability requirements. Both the Applicant and a separate, completed ESPD (with relevant information, cf c) for each of the entities on which the Applicant relies must be submitted. ESPDs need not be completed and submitted for subcontractors on whose capacity the Applicant does not rely.

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3) Voluntary exclusion grounds:

The Applicant will also be excluded from participation in the tendering procedure when

1. the Applicant has been declared bankrupt or is undergoing insolvency or winding-up proceedings, where the assets of the Applicant are being administered by a receiver or by the court, where a composition has been reached with the Applicant's creditors under which all creditors will be bound by the agreement reached, where the Applicant's commercial activities have been discontinued, or where the Applicant is in a similar situation under a similar procedure under national law in the jurisdiction in which the Applicant is registered.

Provided the Applicant is covered by one or more of the exclusion grounds but has provided sufficient documentation substantiating that yet the Applicant is still reliable, cf. section 138 of the Public Procurement Act, the Applicant will not be excluded.

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

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

Official name: Klagenævnet for Udbud

Postal address: Tolboden 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:

Under LBK No. 593 of 2.6.2016 (the Act on the Complaints Board for Public Procurement) with later changes (the act is available on [www.retsinfo.dk](http://www.retsinfo.dk)) the following time limits apply for filing complaints:

Complaints regarding a candidate not being prequalified must be filed with The Complaints Board for Public Procurement within 20 calendar days starting the day after the contracting authority has sent notification to the candidates involved, cf. § 7(1) of the Act on the Complaints Board for Public Procurement, provided that the notification includes an account of the reasons for the decision.

Other complaints must in accordance with § 7(2) of the Act on the Complaints Board for Public Procurement be filed with The Complaints Board for Public Procurement within:

- 1) 45 calendar days after the contracting entity has published a notification in the Official Journal of the European Union stating that the contracting entity has entered into a contract. The time limit runs from the day after the day of publication of the notification;
- 2) 20 calendar days as from the day after the contracting entity has given notice of its decision, see S. 185 (2)(2) of the Act on Tenders.

By the filing of a complaint with the Complaints Board for Public Procurement at the latest, the complainant must inform the contracting party in writing that a complaint is filed with the Complaints Board for Public Procurement and state whether the complaint is filed during the standstill period, see S. 3 (1) of the act.

The complaints' guidance of the Complaints Board for Public Procurement is available on [klfu.dk](http://klfu.dk).

#### **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**

14/07/2023