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**Denmark-Fredericia: Legal services
2022/S 155-446179**

Social and other specific services – utilities

Contract award notice

Services

Legal Basis:

Directive 2014/25/EU

Section I: Contracting entity

I.1) **Name and addresses**

Official name: Ørsted Services A/S
National registration number: DK 27 44 64 85
Postal address: Kraftværksvej 53, Skærbæk
Town: Fredericia
NUTS code: DK Danmark
Postal code: 7000
Country: Denmark
Contact person: Annette Ortvald Gamtofte
E-mail: angam@orsted.dk
Telephone: +45 28553397

Internet address(es):

Main address: www.orsted.dk
Address of the buyer profile: www.orsted.dk

I.1) **Name and addresses**

Official name: Ørsted A/S
National registration number: DK 36 21 37 28
Postal address: Kraftværksvej 53, Skærbæk
Town: Fredericia
NUTS code: DK Danmark
Postal code: 7000
Country: Denmark
Contact person: Annette Ortvald Gamtofte
E-mail: angam@orsted.dk
Telephone: +45 28553397

Internet address(es):

Main address: www.orsted.dk
Address of the buyer profile: www.orsted.dk

I.1) **Name and addresses**

Official name: Ørsted Salg & Service A/S
National registration number: DK 27 21 05 38
Postal address: Kraftværksvej 53, Skærbæk
Town: Fredericia
NUTS code: DK Danmark
Postal code: 7000
Country: Denmark
Contact person: Annette Ortvald Gamtofte
E-mail: angam@orsted.dk
Telephone: +45 28553397

Internet address(es):

Main address: www.orsted.dk
Address of the buyer profile: www.orsted.dk

I.1) **Name and addresses**

Official name: Ørsted Bioenergy & Thermal Power A/S
National registration number: DK 27 44 64 69
Postal address: Kraftværksvej 53, Skærbæk
Town: Fredericia
NUTS code: DK Danmark
Postal code: 7000
Country: Denmark
Contact person: Annette Ortvald Gamtofte
E-mail: angam@orsted.dk
Telephone: +45 28553397

Internet address(es):

Main address: www.orsted.dk
Address of the buyer profile: www.orsted.dk

I.1) **Name and addresses**

Official name: Ørsted Onshore A/S
National registration number: DK 40 43 68 39
Postal address: Kraftværksvej 53, Skærbæk
Town: Fredericia
NUTS code: DK Danmark
Postal code: 7000
Country: Denmark
Contact person: Annette Ortvald Gamtofte
E-mail: angam@orsted.dk
Telephone: +45 28553397

Internet address(es):

Main address: www.orsted.dk
Address of the buyer profile: www.orsted.dk

I.1) **Name and addresses**

Official name: Orsted Wind Power Germany GmbH
National registration number: HRB 116369
Postal address: Dockland, Van-der-Smissen-Str. 9
Town: Hamburg
NUTS code: DE Deutschland
Postal code: 22767
Country: Germany
Contact person: Annette Orvald Gamtofte
E-mail: angam@orsted.dk
Telephone: +45 28553397

Internet address(es):

Main address: www.orsted.dk
Address of the buyer profile: www.orsted.dk

I.1) **Name and addresses**

Official name: Ørsted Wind Power A/S
National registration number: DK 31 84 92 92
Postal address: Kraftværksvej 53, Skærbæk
Town: Fredericia
NUTS code: DK Danmark
Postal code: 7000
Country: Denmark
Contact person: Annette Orvald Gamtofte
E-mail: angam@orsted.dk
Telephone: +45 28553397

Internet address(es):

Main address: www.orsted.dk
Address of the buyer profile: www.orsted.dk

I.1) **Name and addresses**

Official name: Borkum Riffgrund I Offshore Windpark A/S GmbH & Co. oHG
National registration number: HRA 201463
Postal address: Am Osthafen 1
Town: Norden
NUTS code: DE Deutschland
Postal code: 26506
Country: Germany
Contact person: Annette Orvald Gamtofte
E-mail: angam@orsted.dk
Telephone: +45 28553397

Internet address(es):

Main address: www.orsted.dk
Address of the buyer profile: www.orsted.dk

I.1) **Name and addresses**

Official name: Borkum Riffgrund 2 Offshore Wind Farm GmbH & Co. oHG
National registration number: HRA 202470
Postal address: Am Osthafen 2
Town: Norden
NUTS code: DE Deutschland
Postal code: 26506
Country: Germany
Contact person: Annette Orvald Gamtofte
E-mail: angam@orsted.dk
Telephone: +45 28553397
Internet address(es):
Main address: www.orsted.dk
Address of the buyer profile: www.orsted.dk

I.1) **Name and addresses**

Official name: Borkum Riffgrund 3 GmbH & Co. oHG
National registration number: HRA 203366
Postal address: Am Osthafen 2
Town: Norden
NUTS code: DE Deutschland
Postal code: 26506
Country: Germany
Contact person: Annette Orvald Gamtofte
E-mail: angam@orsted.dk
Telephone: +45 28553397
Internet address(es):
Main address: www.orsted.dk
Address of the buyer profile: www.orsted.dk

I.1) **Name and addresses**

Official name: Gode Wind 1 Offshore Wind Farm GmbH & Co. oHG
National registration number: HRA 203366
Postal address: Am Osthafen 2
Town: Norden
NUTS code: DE Deutschland
Postal code: 26506
Country: Germany
Contact person: Annette Orvald Gamtofte
E-mail: angam@orsted.dk
Telephone: +45 28553397
Internet address(es):
Main address: www.orsted.dk
Address of the buyer profile: www.orsted.dk

I.1) **Name and addresses**

Official name: Gode Wind 2 Offshore Wind Farm P/S GmbH & Co. oHG
National registration number: HRA 201871
Postal address: Am Osthafen 2
Town: Norden
NUTS code: DE Deutschland
Postal code: 26506
Country: Germany
Contact person: Annette Orvald Gamtofte
E-mail: angam@orsted.dk
Telephone: +45 28553397
Internet address(es):
Main address: www.orsted.dk
Address of the buyer profile: www.orsted.dk

I.1) **Name and addresses**

Official name: Gode Wind 3 GmbH
National registration number: HRB 124610
Postal address: Dockland, Van-der-Smissen-Str. 9
Town: Hamburg
NUTS code: DE Deutschland
Postal code: 22767
Country: Germany
Contact person: Annette Orvald Gamtofte
E-mail: angam@orsted.dk
Telephone: +45 28553397
Internet address(es):
Main address: www.orsted.dk
Address of the buyer profile: www.orsted.dk

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

The contract involves joint procurement
In the case of joint procurement involving different countries, state applicable national procurement law:
Danish

I.6) **Main activity**

Electricity

Section II: Object

II.1) **Scope of the procurement**

II.1.1) **Title:**

Tender for German Legal Services to Ørsted

II.1.2) **Main CPV code**

79100000 Legal services

II.1.3) **Type of contract**

Services

II.1.4) **Short description:**

Ørsted Services A/S and the companies mentioned in I.1) have awarded framework agreements for German Legal Services to Ørsted.

The framework agreements cover:

- Lot 1: Full service except for areas of law covered by lot no. 2-3
- Lot 2: Regulatory advice within offshore wind
- Lot 3: Employment and Labour Law

The Contracting Entity has awarded two (2) suppliers the Framework Agreement for Lot 1, Lot 2 and one (1) supplier for Lot 3.

The Framework Agreements have a duration of two (2) years, plus two (2) options to extend for one (1) year.

II.1.6) **Information about lots**

This contract is divided into lots: yes

II.2) **Description**

II.2.1) **Title:**

Full service except for areas of law covered by lot no. 2 - 3

Lot No: 1

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

79110000 Legal advisory and representation services

79100000 Legal services

II.2.3) **Place of performance**

NUTS code: DE Deutschland

II.2.4) **Description of the procurement:**

This lot covers all services not covered by lot no. 2 to 3, including, but not limited to the following areas of law; corporate Law, banking and finance; capital markets; construction law; real estate; antitrust/competition law (incl. state aid); disputes and litigation; energy law; financial regulation; GDPR; commercial contracts including contracts for sale and purchase of power and gas; corporate power purchase agreements; Anti-bribery and sanctions and M&A.

It is a minimum requirement for participation that the tenderer employs 200 lawyers as of 1 March 2022, (in German: Rechtsanwälte/Rechtsanwältinnen) who are registered at the Bar Association (Rechtsanwaltskammer) The contracting entity intends to award two (2) suppliers with a Framework Agreement under this Lot, cf. section 8 for call offs under the agreements.

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**

Options 2 x 12 months extension.

The tender is an open procedure with negotiation, where everyone who meets the minimum requirements stated in in III. 1.4 may submit a tender. The estimated total maximum value for this lot is 15-20 MEUR

II.2) **Description**

II.2.1) **Title:**

Regulatory advice within offshore wind

Lot No: 2

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

79110000 Legal advisory and representation services

79100000 Legal services

II.2.3) **Place of performance**

NUTS code: DE Deutschland

II.2.4) **Description of the procurement:**

Lot 2: Regulatory advice within offshore wind.

This lot covers specialist regulatory advice within offshore wind, including, but limited to:

- o All German and EU offshore wind-relevant energy laws, regulations, and policies relevant to offshore wind, including the German Renewable Energy Act (EEG) and the Offshore Wind Act (WindseeG).
- o Laws in Germany and in EU applicable to offshore wind, including those related to the transmission of electricity and functioning of the electricity market (e.g., the Energy Industry Act – EnWG), and the relevant regulators in the German market such as the Bundesamt für Seeschifffahrt und Hydrographie and the Bundesnetzagentur.
- o German, European and international maritime laws as well as German environmental and planning laws, as applicable to offshore wind farms, respectively.
- o Public law as it applies to offshore wind and the ability to suggest/manage claims, including the appropriate legal remedies against relevant regulators such as the Bundesamt für Seeschifffahrt und Hydrographie, the Bundesnetzagentur and transmission system operators.

It is a minimum requirement for participation that the tenderer employs 10 lawyers as of 1 March 2022, (in German: Rechtsanwälte/Rechtsanwältinnen) who are registered at the Bar Association (Rechtsanwaltskammer).

The contracting entity intends to award two (2) suppliers with a Framework Agreement under this Lot 2, cf. section 8 for call offs under the Framework Agreements

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**

Options 2 x 12 months extension.

The tender is an open procedure with negotiation, where everyone who meets the minimum requirements stated in III. 1.4 may submit a tender. The estimated total maximum value for this lot is 2,5-4 MEUR

II.2) **Description**

II.2.1) **Title:**

Employment and Labour Law

Lot No: 3

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

79110000 Legal advisory and representation services

79100000 Legal services

II.2.3) **Place of performance**

NUTS code: DE Deutschland

II.2.4) **Description of the procurement:**

Lot 3: Employment and Labour Law

This lot covers specialist within employment and labour law advice, but not limited to, advice on:

- o This lot covers specialist employment and labour law advice, including, but not limited to, advice on:
- o Works council negotiations/agreements and advice in works constitution law (“Betriebsverfassungsrecht”);
- o Employment contracts and working hours in the offshore sector;
- o Lines of command, responsibilities, and liability within matrix organisations;
- o Local governance vis-a-vis centralised decision-making processes in multi-national companies;
- o Employment-related disputes and settlements;
- o GDPR related to employments;
- o Income tax law;
- o Social security law including corporate pension systems/company pension/partial retirement;
- o Lease of employees and alternative legal structures and solutions.

The Tenderer should note that there will often be physical meetings, negotiations and court hearings in Hamburg and Norddeich.

It is a minimum requirement for participation that the tenderer employs 30 lawyers and at least 5 lawyers who are specialized within employment and labour law as of 1 March 2022, (in German: Rechtsanwälte/Rechtsanwältinnen) who are registered at the Bar Association (Rechtsanwaltskammer)

The contracting entity intends to award one (1) supplier with a Framework Agreement under this Lot 3, cf. section 8 for call offs under the Framework Agreements.

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**

Options 2 x 12 months extension.

The tender is an open procedure with negotiation, where everyone who meets the minimum requirements stated in in III. 1.4 may submit a tender. The estimated total maximum value for this lot is 1-1,5 MEUR

Section IV: Procedure

IV.1) **Description**

IV.1.1) **Form of procedure**

Procedure involving negotiations

IV.1.3) **Information about framework agreement**

IV.1.10) **Identification of the national rules applicable to the procedure:**

IV.1.11) **Main features of the award procedure:**

IV.2) **Administrative information**

IV.2.1) **Previous publication concerning this procedure**

Notice number in the OJ S: [2022/S 057-150631](#)

IV.2.9) **Information about termination of call for competition in the form of a periodic indicative notice**

Section V: Award of contract

Contract No: 1

Lot No: 1

Title:

Lot 1: Full service except for areas of law covered by lot no. 2 - 3

A contract/lot is awarded: yes

V.2) **Award of contract**

V.2.1) **Date of conclusion of the contract:**
14/07/2022

V.2.2) **Information about tenders**

V.2.4) **Information on value of the contract/lot (excluding VAT)**

V.2.5) **Information about subcontracting**

Section V: Award of contract

Contract No: 2

Lot No: 1

Title:

Lot 1: Full service except for areas of law covered by lot no. 2 - 3

A contract/lot is awarded: yes

V.2) **Award of contract**

V.2.1) **Date of conclusion of the contract:**
17/07/2022

V.2.2) **Information about tenders**

V.2.4) **Information on value of the contract/lot (excluding VAT)**

V.2.5) **Information about subcontracting**

Section V: Award of contract

Contract No: 1

Lot No: 2

Title:

Lot 2 Regulatory advice within offshore wind.

A contract/lot is awarded: yes

V.2) **Award of contract**

V.2.1) **Date of conclusion of the contract:**
14/07/2022

V.2.2) **Information about tenders**

V.2.4) **Information on value of the contract/lot (excluding VAT)**

V.2.5) **Information about subcontracting**

Section V: Award of contract

Contract No: 2

Lot No: 2

Title:

Lot 2 Regulatory advice within offshore wind.

A contract/lot is awarded: yes

V.2) **Award of contract**

V.2.1) **Date of conclusion of the contract:**
17/07/2022

V.2.2) **Information about tenders**

V.2.4) **Information on value of the contract/lot (excluding VAT)**

V.2.5) **Information about subcontracting**

Section V: Award of contract

Contract No: 1

Lot No: 3

Title:

Lot 3 Employment and Labour Law

A contract/lot is awarded: yes

V.2) **Award of contract**

V.2.1) **Date of conclusion of the contract:**

14/07/2022

V.2.2) **Information about tenders**

V.2.4) **Information on value of the contract/lot (excluding VAT)**

V.2.5) **Information about subcontracting**

Section VI: Complementary information

VI.3) **Additional information:**

VI.4) **Procedures for review**

VI.4.1) **Review body**

Official name: Klagenævnet for udbud, Nævnenes hus

Postal address: Toldboden 2

Town: Viborg

Postal code: 8800

Country: Denmark

E-mail: kfu@erst.dk

Telephone: +45 35291095

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

VI.4.2) **Body responsible for mediation procedures**

Official name: Konkurrence- og Forbrugerstyrelsen

Postal address: Carl Jacobsens vej 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:**

10/08/2022