

Germany-Bayreuth: Onshore and offshore services
OJ S 144/2023 28/07/2023
Contract notice – utilities
Services

Legal Basis:

Directive 2014/25/EU

Section I: Contracting entity

I.1. Name and addresses

Official name: TenneT Offshore GmbH
National registration number: HRB 4516
Postal address: Bernecker Straße 70
Town: Bayreuth
NUTS code: DE242 Bayreuth, Kreisfreie Stadt
Postal code: 95448
Country: Germany
Contact person: Rosanna Russo
E-mail: rosanna.russo@tennet.eu

Internet address(es):

Main address: <https://www.tennet.eu/>
Address of the buyer profile: <https://s2c.mercell.com/buyer/1163>

I.3. Communication

The procurement documents are available for unrestricted and full direct access, free of charge, at: <https://s2c.mercell.com/today/45549>
Additional information can be obtained from the abovementioned address
Tenders or requests to participate must be submitted electronically via: <https://s2c.mercell.com/today/45549>

I.6. Main activity

Electricity

Section II: Object

II.1. Scope of the procurement

II.1.1. Title

Framework Agreement regarding Client Representatives Services at sea

II.1.2. Main CPV code

76500000 Onshore and offshore services

II.1.3. Type of contract

Services

II.1.4. Short description

The inquired service contains the function of the client representative on site for:
- seabed, platform Inspection, Repair and Maintenance (IRM), platform Transport and Installation (T&I), Unexploded Ordnance (UXO) surveys

- Identification & Clearance, cable installation, cable repairs
The client representative monitors and observes the offshore works performed by the contractor respectively his subcontractors being contracted.

II.1.5. Estimated total value

Value excluding VAT: 28 100 000,00 EUR

II.1.6. Information about lots

This contract is divided into lots: no

II.2. Description

II.2.3. Place of performance

NUTS code: DE Deutschland

Main site or place of performance: North Sea, German Bight, 12 nmz Zone, EEZ as well as locations on land inside or outside Germany.

II.2.4. Description of the procurement

The contracting entity (TenneT Offshore GmbH) requires reliable client representatives for various kinds of work. The client representative delegated by the Contractor is monitoring and observing, on behalf of the Client, construction work and services provided offshore by a contracting party (e. g. general contractor) or its subcontractor. The work to be monitored can be divided into two categories:

- Category 1: seabed, platform IRM, platform T&I and UXO surveys

Category 1 includes client representatives services for maritime surveys and servicing and maintenance work of platform structures. The surveys include hydrographic and geophysical survey work, cable depth measurements, erosion studies and geotechnical exploration drilling. UXO surveys include a geophysical survey with an emphasis on detection of potential UXO targets which represent an obstacle to cable installation. The primary UXO detection method is a detailed magnetic survey, with other methods (such as electro-magnetic) being used to detect non ferromagnetic targets as required. The platform structures are visited as part of repetitive inspection cycles. Measurements of „sacrificial anodes“ and welding seams are made and the strength of the marine vegetation established. The platform T&I activities comprise e.g. of seabed preparation campaigns as dredging or rock placement and furthermore platform component transport and installation.

- Category 2: ID&C, cable installation and cable repairs

Category 2 includes all work that is part of sea cable installations and cable repairs as well as ID&C. This also includes but is not limited to cable loading and offloading, cable laying, jetting, and jointing as well as accompanying work such as constructing crossing structures, pre-lay grapnel run, route clearance and cable pull-ins in offshore structures etc. For ID&C it also includes supervision of ROV launch and recovery, ROV diving, object identification (EOD), explosive charge placement, object recovery as well as comparable diver operations. In individual cases deployments may also be necessary during transport and installation phases when constructing the platform.

II.2.5. Award criteria

Criteria below

Quality criterion - Name: Technical concept / Weighting: 40 %

Quality criterion - Name: Contractual conditions / Weighting: 25 %

Price - Weighting: 35 %

II.2.6. Estimated value

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

Start: 15/07/2024 End: 14/07/2028

This contract is subject to renewal: yes

Description of renewals:

The contract can be prolonged three times for one year each time. The maximum duration of the Framework Agreement incl. the prolongation options is eighty-four months.

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:

- INFORMATION ON THE APPLICANT/MEMBER OF THE BIDDING CONSORTIUM:

Submission of a document showing the bidder's complete information. In the case of a bidding consortium, each member must submit the relevant information. The information includes in particular: full name, legal representatives, full address, internet address, contact person incl. telephone number and e-mail address. Please use the provided form A1.

The application as a bidding consortium is admitted. A bidding consortium is treated like an individual applicant (Section 50 § 2 SektVO). If applicants are addressed in the tender documents, this also refers to the joint form of participation of a bidding consortium. In this respect, regulations which specifically are related to bidding consortia, exclusively use the term "Bidding Consortium." The bidding consortium shall nominate an authorized representative for the conclusion and implementation of the contract and who signs form A1. The authorized representative shall be available to the contracting entity as the contact person of the bidding consortium in this tendering procedure. Members of the bidding consortium shall jointly complete the form "Statement of Bidding Consortium", which also names the authorized representative.

Please complete, sign and upload the attached form A1 and if applicable form A2.

- EXTRACT OF COMMERCIAL REGISTER: Please provide a proof of registration in a commercial register of the relevant authority of the country in which the company is established (E.g. Handelsregister (DE), Kamer van Koophandel (NL), Companies house (UK)) , which may not be older than three months at the expiry of the call for competition period (final date of submission of the application for the call for competition).

- SELF-DECLARATION OF NO GROUNDS FOR EXCLUSION: Please re-confirm that no grounds for exclusion under §§ 123, 124 GWB exist and provide the respective self-

declaration using the attached form A7. Background information on these legal texts is annexed to the form. For bidding consortiums, each member must provide the respective self-declaration.

- **COMPREHENSIVE COMPANY PRESENTATION INCL. ORGANIZATIONAL DIAGRAM:** Please provide a comprehensive company presentation including information about company structure/organization, ownership, main customers, and offered services as well as an organizational diagram including all company locations. In case of a consortium, the structure of the consortium is to be presented, not the structure of each individual company.
- **SELF-DECLARATION ON THE IMPLEMENTATION OF ARTICLE 5K (3) OF COUNCIL REGULATION (EU) 2022/576 OF THE COUNCIL OF APRIL 8, 2022:** Please confirm with the enclosed self-declaration that you are not covered under the sanctions of Article 5k (3) of Council Regulation (EU) 2022/576 of the Council of April 8, 2022.
- **SELF-DECLARATION MINIMUM-FTE:** Self-declaration of a minimum number of employees in the amount of 8 FTE (Full-time Equivalent).

The provided forms must be used.

III.1.2. Economic and financial standing

List and brief description of selection criteria:

- **MINIMUM REVENUE:** Evidence of economic and financial capacity shall be provided by the submission of annual business reports (min. company balance sheet/profit and loss account) of the past 3 closed financial years. In particular, proof of an average minimum revenue of EUR 1.0 million per year must be provided for the past three closed financial years. In the case of a bidder consortium, the aforementioned revenue is based on the cumulative turnover of the consortium partners. For each individual bidder or consortium partner, the total turnover of the group is deemed to be 100% owned by the group parent company. In addition to providing the annual reports, please also complete the attached form A5a.
- **INSURANCE:** Please provide proof of existing liability insurance coverage incl. professional liability insurance at terms and conditions customary in the industry for personal injury and property damage and (pure) financial losses with a minimum coverage of EUR 3.0 million per loss event and maximum EUR 6.0 million per year.

Please complete the attached form A5 and if applicable provide proof of insurance.

- **!IF APPLICABLE!: ECONOMIC AND FINANCIAL BORROWING QUALIFICATION:** In the event that the applicant makes use of the capacities of another economic operator (e.g. group company), proof must be provided that the other economic operator will be jointly and severally liable with the applicant in the event of a contract award in accordance with the scope of the suitability borrowing. The third party must fulfil the corresponding minimum criteria of this section III.1.2.

In addition, the third party must provide the extract from the commercial register (form A4) and the form or a self-declaration on grounds for exclusion pursuant to §§123, 124 GWB (form A7). The forms provided in Mercell for the suitability borrowing (form A3a) as well as the corresponding forms for the fulfilment of the further minimum criteria have to be used.

The provided forms must be used.

III.1.3. Technical and professional ability

List and brief description of selection criteria:

- REFERENCES: Applicants must prove three relevant and comparable references in the field of provision of client representatives according to the scope of service (Annex 01). The reference must not date back more than 5 years and are characterised by the following features:

* valid documents, which prove that the tenderer successfully provided advisory and/or supervising personnel for maritime energy projects on the open sea with the focus on sea cable installation, geophysical and geotechnical survey, ID&C and UXO works

* a list of at least 12 persons for each category (CVs do not have to be included and will not be checked by the client during the qualification phase of this tender) who are currently available to the company and who have represented the interests of a corporate customer in the past 5 years during work on the open sea lasting at least 3 months (construction supervision as client representative, especially for cable installation work on the open sea).

- PERMANENT OFFICE: Applicants must confirm with a self-declaration that the applicant has a permanent office in the European Economic Area, the United Kingdom or Switzerland to coordinate and manage the Client Reps.

- !IF APPLICABLE!: TECHNICAL BORROWING QUALIFICATION: In the event that the applicant refers to the suitability of a third party (subcontractor), the documents shall be prepared and signed by the third party accordingly. The third party has to submit a confirmation that he will make his technical capability available in the event of a contract award (form A3b). Furthermore, detailed information on the third party must be provided (form A1). In addition, the respective third party must submit a self-declaration that there are no grounds for exclusion pursuant to §§ 123 and 124 of the GWB (form A7). The technical borrowing qualification can be provided by several potential third parties for the fulfilment of the selection criteria. Please use the provided forms (A1, A3b, A7).

The provided forms must be used.

III.1.4. Objective rules and criteria for participation

List and brief description of rules and criteria:

See chapter VI.3) [Additional information]

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

The consortium structure shown in the call for competition is considered as fixed and may not be changed in the further proceedings.

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

The procurement involves the establishment of a framework agreement

Framework agreement with several operators
Envisaged maximum number of participants to the framework agreement: 3

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: 05/09/2023 Local time: 12:00

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, German

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

Tender must be valid until: 30/04/2024

Section VI: Complementary information

VI.1. Information about recurrence

This is a recurrent procurement: no

VI.3. Additional information

The framework agreement shall be concluded without minimum purchase quantities. The contracting authority is entitled to discontinue the award procedure at any time in accordance with § 57 of the SektVO.

Due to justified confidentiality interests, the Client shall only make the tender documents accessible to the bidder

after receipt of the non-disclosure agreement (NDA) signed by the bidder. The NDA is to be downloaded from

Mercell.

The application documents must be submitted in digital form (in a standardised data format, e.g. PDF and MS Office format) exclusively via the Merzell platform. Pre-submission of the application documents by e-mail, fax or regular post is not permitted and may lead to the applicant being excluded from the procedure.

The award of the contract is subject to changes in the legal and/or regulatory framework, rules and regulations in force at the time of this announcement.

Answers to the call for competition must be submitted in full by the closing date (cf. Section IV.2.2) exclusively via

Mercell in the areas provided for this purpose. Please use the applicable forms provided on the online platform

Mercell, which must be submitted with the answer to the call for competition. Late submissions cannot be considered.

Incompletely submitted documents may lead to exclusion.

The estimated, adequate maximum quantity of any call-offs under this framework agreement is EUR 28,100,000.00

pursuant to Section II.1.5.) of this announcement. For the avoidance of doubt, it is emphasised that this is merely an

estimated value which does not give rise to any claims against the contracting authority for calls up to the aforementioned maximum quantity.

In the case of any bidding consortia, all members of the bidding consortium must submit the documents listed under Item III.1) "Conditions for Participation". The consortium leader must be clearly named.

The contracting authority is entitled to transfer the rights and obligations of the subject of the contract as a whole to a project company (Special Purpose Vehicle/NewCo), irrespective of whether third parties have already participated as shareholders in this project company or will only participate in such a company after any transfer of this framework contract.

The call-offs of the services to be provided are subject to the contracting authorities' own capacities not being available.

VI.4. Procedures for review

VI.4.1. Review body

Official name: Government of Middle Franconia - Northern Bavaria Public Procurement Chamber (Regierung von Mittelfranken - Vergabekammer Nordbayern)

Postal address: Postfach 606

Town: Ansbach

Postal code: 91511

Country: Germany

E-mail: vergabekammer.nordbayern@reg-mfr.bayern.de

Telephone: +49 981531277

Fax: +49 981531837

Internet address: <http://www.regierung.mittelfranken.bayern.de>

VI.4.3. Review procedure

Precise information on deadline(s) for review procedures:

According to § 160(3) GWB the application is inadmissible if

1. the applicant became aware of the claimed violation of public procurement provisions before filing the

application for review, but did not complain to the contracting authority within a time limit of 10 calendar days;

the expiry of the time limit under § 134(2) GWB remains unaffected,

2. violations of public procurement provisions which become apparent from the tender notice are not notified to

the contracting authority by the end of the time limit for the application or the submission of a tender specified in

the notice,

3. violations of public procurement provisions which only become apparent from the procurement documents

are not notified to the contracting authority by the end of the time limit for the application or the submission of a tender specified in the notice,
4. more than 15 calendar days have expired since receipt of notification from the contracting entity that it is unwilling to redress the objection.

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

Official name: Government of Middle Franconia - Northern Bavaria Public Procurement Chamber (Regierung von Mittelfranken - Vergabekammer Nordbayern)

Postal address: Postfach 606

Town: Ansbach

Postal code: 91511

Country: Germany

E-mail: vergabekammer.nordbayern@reg-mfr.bayern.de

Telephone: +49 981531277

Fax: +49 981531837

Internet address: <http://www.regierung.mittelfranken.bayern.de>

VI.5. Date of dispatch of this notice

24/07/2023