

Denmark-Søborg: Software programming and consultancy services
OJ S 160/2022 22/08/2022
Contract notice – utilities
Services

Legal Basis:

Directive 2014/25/EU

Section I: Contracting entity

I.1. Name and addresses

Official name: Rejsekort & Rejseplan A/S

National registration number: 27332072

Postal address: Automatikvej 1, 1.

Town: Søborg

NUTS code: DK Danmark

Postal code: 2860

Country: Denmark

Contact person: Thomas Krarup

E-mail: tkr@rejsekort.dk

Internet address(es):

Main address: <https://permalink.mercell.com/180446875.aspx>

Address of the buyer profile: <http://www.rejsekort.dk/>

I.3. Communication

The procurement documents are available for unrestricted and full direct access, free of charge, at: <https://permalink.mercell.com/180446875.aspx>

Additional information can be obtained from the abovementioned address

Tenders or requests to participate must be submitted electronically via: <https://permalink.mercell.com/180446875.aspx>

I.6. Main activity

Other activity: Public transportation

Section II: Object

II.1. Scope of the procurement

II.1.1. Title

Tender for Framework Agreement on Application Development, Application Maintenance and Application Management Services for Rejsekort & Rejseplan A/S

II.1.2. Main CPV code

72200000 Software programming and consultancy services

II.1.3. Type of contract

Services

II.1.4. Short description

The tender is for a multi-vendor framework agreement to develop, maintain and manage applications to realize the ambition of Rejsekort & Rejseplan A/S ("RKRP") to launch a unified

digital mobility solution for public transportation with bus, train, light rail, metro and other modes of transportation in Denmark.

Tender is handled by Merzell Sourcing Services, use <https://permalink.merzell.com/180446875.aspx>

II.1.5. Estimated total value

Value excluding VAT: 500 000 000,00 DKK

II.1.6. Information about lots

This contract is divided into lots: no

II.2. Description

II.2.2. Additional CPV code(s)

48000000 Software package and information systems, 72000000 IT services: consulting, software development, Internet and support, 72210000 Programming services of packaged software products, 72212000 Programming services of application software, 72212517 IT software development services, 72240000 Systems analysis and programming services, 72260000 Software-related services, 72261000 Software support services, 72262000 Software development services, 72263000 Software implementation services, 72265000 Software configuration services, 72267100 Maintenance of information technology software, 72300000 Data services, 72310000 Data-processing services

II.2.3. Place of performance

NUTS code: DK01 Hovedstaden

II.2.4. Description of the procurement

I) Background and purpose:

RKRP operates Rejsekort (an electronic ticket system for bus, train, light rail and metro with approx. 3.2 mio. active users and 100-200 mio. yearly journeys) and Rejseplanen (a nationwide web- and app-based system for travel planning with public transportation with 50+ mio. searches yearly), which are two important components for the users of public transportation in Denmark.

RKRP is owned by the PTO's and is regulated by Chapter IV of the Danish Transport Companies Act (lov om trafiksselskaber). According to the law, RKRP is to support a further development of the Rejseplan system, together with the functions of the Rejsekort system, to provide a unified digital mobility solution where travel planning, booking, ticketing and payment can be accessed via a single consolidated solution across public and private modes of transport. The main purpose of the framework agreement is to develop and maintain applications to fulfill these ambitions. RKRP expects to award the framework agreement to five (5) tenderers.

II) Main services of the framework agreement:

The Framework Agreement covers Application Development, Application Maintenance and Application Management of RKRP's Application Portfolio. Delivery of the Services takes place in accordance with concluded Delivery Agreements under the Framework Agreement after completion of either direct award or mini competition between the suppliers on the Framework Agreement. The main services on the tendered Framework Agreement include the following:

A. Application Development

The suppliers shall provide Application Development, including development of applications using previously developed and/or new software, primarily to deliver a new digital mobility

solution. The Applications should as far as possible be based on standard components that the suppliers have previously implemented for similar customers and to the furthest extent possible not be dependent upon physical infrastructure.

B. Application Maintenance

The suppliers shall provide Application Maintenance, including minor bug-fixes and changes, patching and implementation of updates, configuration and parameter setup.

C. Application Management

The suppliers shall provide Application Management, including continuous Incident and Capacity Management, Release and Deployment Management, batch job execution and monitoring of applications.

D. Associated Consultancy Services

The Framework also includes the Customer's right to order Associated Consultancy Services and associated modules from the supplier's roadmap, which are linked to the Customer's business goals and need covered by this Framework Agreement. Associated Consultancy Services may, among other things, include assistance with regards to extraordinary audits, assistance regarding dialogue with supervisory authorities or similar unforeseen services, which have a natural and close connection to a Delivery Agreement, which has already been concluded between the Parties under the Framework Agreement.

Tenderers are not guaranteed any minimum purchase under the framework agreement, and estimates are therefore no undertaking on the part of RKRK to make a minimum purchase under the Framework Agreement.

RKRK intends to carry out two further tenders (with separately published contract notices) regarding an Operating Contract and a SaaS Agreement, which collectively with the framework agreement constitutes the Body of Contracts. The tenders of the three contracts are carried out completely separately and without dependencies. It is always RKRK's current needs in relation to the specific services covered by the individual agreements that determine which agreement under the Body of Contracts the contracting entity must use.

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: 500 000 000,00 DKK

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

Duration in months: 96

This contract is subject to renewal: no

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

Envisaged number of candidates: 8
Objective criteria for choosing the limited number of candidates:

The shortlisting of candidates invited to tender will be based on an evaluation of which candidates have documented the most relevant deliveries (references), see section III.1.3), comparable to the services covered by the framework agreement, see the description in section II.2.4).

The evaluation of the most relevant deliveries will be made on the basis of the extent to which the references document experience with delivery of functionally comparable services that the submitted list of references documents, see the description under section II.2.4), subsection II,

points A-D (Main services), in relation to the general characteristics listed under section II.2.4), subsection I. Special weight will be given to submitted references showing that the candidate has delivered services similar to those listed under section II.2.4), subsection II, point A. In the evaluation of which candidates have documented the most relevant deliveries of comparable services, the extent to which the references, in total, document relevant experience in delivering the services specifically required will be considered.

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

As regards section II.1.5, the estimated value of the deliverables under the framework agreement is based on similar previous contracts. The value listed under section II.2.6 is the estimated and maximum value of the framework agreement.

Section III: Legal, economic, financial and technical information

III.1. Conditions for participation

III.1.2. Economic and financial standing

List and brief description of selection criteria:

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

The candidate's equity in the latest financial year available.

The candidate's total annual turnover in the latest financial year available.

If the candidate relies on the economic and financial capacity of other entities in relation to the fulfilment of minimum requirements, see below, the contracting entity will require the candidate and the entities in question to undertake joint and several liability for the performance of the framework agreement.

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

Before the award decision is made, the tenderers to whom the contracting entity intends to award the framework agreement 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 overall turnover in the most recent annual report/financial statement 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 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.

Minimum level(s) of standards possibly required:

As a minimum requirement, a positive equity is required in the most recent annual report /financial statement available. If the candidate relies on the capacities of other entities, the equity is to be calculated as the total equity of the operator and such other entities for the last financial year 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 5 million is required in the latest annual report/financial statement available.

If the candidate relies on the capacities of other entities, the turnover is to be calculated as the total turnover of the candidate and such other entities in the last financial year available. For groups of operators (e.g., a consortium), the turnover is calculated as the total turnover 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.

III.1.3. Technical and professional ability

List and brief description of selection criteria:

The candidate must submit the ESPD with the following information:

A list of the 5 most significant comparable services, see sections II.1.4) and II.2.4), that the candidate has carried out in the last 3 year(s) before the expiry of the application deadline.

Only references relating to services carried out at the time of application will be given importance in the evaluation of which candidates have documented the most relevant deliveries, see section II.2.9). Hence, in the case of an ongoing task, only the part of the services already performed at the time of application will be included in the evaluation of the reference.

Each reference is requested to include a brief description of the deliveries made. The description should include a clear description of the services set out in section II.2.4) to which the delivery related and the candidate'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), including point of contact. When indicating the date of the delivery, the candidate is requested to indicate the date when the delivery was commenced and finalised. If this is not possible, e.g, if the tasks were performed on an ongoing basis under a framework agreement, the candidate is asked to indicate in the description of the delivery how the date is specified. No more than 5 references may be stated, irrespective of whether the candidate is a single operator, whether the candidate relies on the technical capacity of other entities, or whether the candidate is a group of operators (e.g., a consortium).

If the candidate relies on the professional experience of other entities for the performance of specific parts of the services comprised by the framework agreement, see section II.2.4), such services under the framework agreement must be performed by the entity on which the candidate relies.

The ESPD serves as provisional documentation that the candidate fulfils the minimum suitability requirements in respect of technical and professional ability, see section III.1.3) and the candidate's compliance with the selection criterion, see section II.2.9).

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

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

Minimum level(s) of standards possibly required:

As a minimum requirement, the candidate is required to document at least one (1) reference covering application development for ticketing or travel planning for public transportation with trains and busses.

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

Financing conditions and payment arrangements will be stated in the tender documents.

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

No specific legal form is required.

If the framework agreement is awarded to a group of operators (e.g., a consortium), each participants of the group must assume joint and several liability and appoint a joint representative.

III.2. Conditions related to the contract

III.2.2. Contract performance conditions

The framework agreement has incorporated the corporate social responsibility considerations, as appropriate, as laid down in the conventions on the basis of which the principles of the UN Global Compact are worded and as laid down in the OECD Guidelines for Multinational Enterprises.

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

The contracting entity has assessed that the conclusion of the framework agreement may be subject to the authorisation requirement pursuant to the Danish Investment Screening Act. See further in the tender specifications.

Section IV: Procedure

IV.1. Description

IV.1.1. Type of procedure

Restricted 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: no

IV.2. Administrative information

IV.2.1. Previous publication concerning this procedure

Notice number in the OJ S: [2022/S 109-309323](#)

IV.2.2. Time limit for receipt of tenders or requests to participate

Date: 16/09/2022 Local time: 23:59

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

Date: 26/09/2022

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.2. Information about electronic workflows

Electronic invoicing will be accepted

Electronic payment will be used

VI.3. Additional information

Participation in the tendering procedure may only take place via the electronic tendering system, see section I.3). For access to the tender documents, the candidate must register as a user. If the application contains several versions of the same document, the latest uploaded version will apply.

All communication in connection with the tender procedure must take place through the electronic tendering system.

The candidate must as its application submit an ESPD as preliminary documentation of the circumstances set out in section 148(1), paras 1-3 of the Danish Public Procurement Act, cf. section 12 of Ministerial Order on procurement by entities operating in the water, energy, transport and postal services sectors ("the Danish Implementing Order"). The ESPD is available via the electronic tendering system. It is not necessary for the candidate to sign the ESPD document. For groups of operators (e.g., a consortium), a separate ESPD must be submitted for each participating economic operator. Where the candidate is a group of operators, the ESPD document of each participant in the group must be signed by the participant in question. The candidate heading the group and submitting the application is not required to sign its ESPD document. If the candidate relies on the capacity of other entities, an ESPD must be submitted for and signed by each of the entities on which the candidate relies. In this procedure, the candidate 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), including for the purpose of selection, see section II.2.9). 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. The candidate must also submit a letter of commitment in which the entity/entities on which the candidate relies has/have undertaken joint and several liability with the candidate if the candidate is awarded the framework agreement.

The candidate will be excluded from participation in the tendering procedure if the candidate is subject to the compulsory grounds for exclusion set out in sections 134a, 135 and 136 of the Danish Public Procurement Act, cf. section 11(1), para. (1) of the Danish Implementing Order, unless the candidate has submitted sufficient documentation for its reliability in accordance with section 138 of the Danish Public Procurement Act, cf. section 11(1), para. (2) of the Danish Implementing Order. Before the award decision is made, the tenderers to whom RKRP intends to award the framework agreement must provide documentation of the information submitted in the ESPD pursuant to sections 150 and 155, cf. section 12 of the Implementing Order. As an alternative to the documentation mentioned in sections 153-155, 157 and 158 of the Danish Public Procurement Act, the applicant and tenderer may submit a certificate of registration, see section 156. In the event of changes to the composition of the tenderer, the provisions of section 147 of the Danish Public Procurement Act will apply in their entirety. As regards section II.2.9) it should be noted that each candidate may only submit one application for prequalification.

RKRP may ask the candidate to supplement, specify/complete the application pursuant to Article 76, para. (4) of the Utilities Directive if the application or tender does not meet the formal requirements of the tender documents.

Attention is drawn to Article 5k in Regulation (EU) No 833/2014 as amended by Regulation (EU) 2022/576 which applies for the tender procedure. The provision contains a prohibition against award of contracts to Russian companies and Russian controlled companies etc. The contracting entity may at any time during the tender process require that the economic operators prove that they are not covered by the prohibition.

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: kifu@naevneneshus.dk

Telephone: +45 72405600

Fax: +45 33307799

Internet address: <http://www.naevneneshus.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

Telephone: +45 41715000

Fax: +45 41715100

Internet address: <http://www.kfst.dk>

VI.5. Date of dispatch of this notice

17/08/2022