

**Belgium-Brussels: Heating equipment**  
**OJ S 199/2020 13/10/2020**  
**Contract notice – utilities**  
**Supplies**

**Legal Basis:**

Directive 2014/25/EU

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**Section I: Contracting entity**

**I.1. Name and addresses**

Official name: Fluxys LNG

National registration number: 0426.047.853\_632000

Postal address: Guimardstraat 4

Town: Brussel

NUTS code: BE100 Arr. de Bruxelles-Capitale/Arr. Brussel-Hoofdstad

Postal code: 1040

Country: Belgium

Contact person: Patrick Degroote

E-mail: [patrick.degroote@fluxys.com](mailto:patrick.degroote@fluxys.com)

Telephone: +32 22826752

**Internet address(es):**

Main address: <https://sourcing-invitation.fluxys.com>

Address of the buyer profile: <https://enot.publicprocurement.be/enot-war/preViewNotice.do?noticeId=389031>

**I.3. Communication**

The procurement documents are available for unrestricted and full direct access, free of charge, at: <https://enot.publicprocurement.be/enot-war/preViewNotice.do?noticeId=389031>

Additional information can be obtained from the abovementioned address

Tenders or requests to participate must be submitted electronically via: <https://sourcing-invitation.fluxys.com>

**I.6. Main activity**

Production, transport and distribution of gas and heat

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**Section II: Object**

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

**II.1.1. Title**

Production and Delivery of 3 (Three) Submerged Combustion Soft Water Heaters (BUH) for the LNG Terminal in Zeebrugge (Belgium), and Provision of Maintenance Services and Delivery of Spare Parts after Setting Into Service of the BUH's  
Reference number: Fluxys LNG-CEAPN2011-F05\_0

**II.1.2. Main CPV code**

39715200 Heating equipment - KA06

**II.1.3.**

## **Type of contract**

Supplies

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

10-year framework agreement with one supplier for:

- (i) the supply of 3 (three) submerged combustion soft water heaters ('BUH's'), with a view of preheating the sea water before being pumped to the Open Rack Vaporizers used to regasify the LNG stored in the Terminal; and
- (ii) the provision of maintenance services and the supply of spare parts after commissioning of the BUH's.

### **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)**

39721411 Gas heaters - KA06

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

NUTS code: BE1 Région de Bruxelles-Capitale/Brussels Hoofdstedelijk Gewest

Main site or place of performance: LNG Terminal Fluxys in Zeebrugge (Belgium).

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

Production and delivery of 3 (three) Soft water heaters (BUH) for the LNG Terminal in Zeebrugge (Belgium), and provision of maintenance services and delivery of spare parts after setting into service of the BUH's.

### **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**

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

Duration in months: 120

This contract is subject to renewal: no

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

Variants will be accepted: yes

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

Options: yes

Description of options:

Free options on the initiative of the tenderer.

### **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:

Not applicable

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

List and brief description of selection criteria:

The candidate must have the necessary economic and financial standing to perform the contract.

1) Proof of the candidate's economic and financial standing may be furnished by one or more of the following references:

— the presentation of financial statements or extracts from the financial statements, where publication of financial statements is required under the law of the country in which the economic operator is established,

— a statement of the economic operator's overall turnover of the last 3 financial years available, depending on the date on which the undertaking was set up or the economic operator started trading.

2) The candidate must also provide evidence of relevant professional risk indemnity insurance. Minimum level(s) of standards possibly required:

1) The candidate must have an minimum turnover of at least EUR 14 million in the last 3 years. This criterion applies to the candidate as a whole, i.e. through the combined capacity of all members of the group in case of a group of economic operators.

In addition, the ratio between assets and liabilities must be above 1.2. This criterion applies to each member of the group in case of a group of economic operators.

2) The relevant professional risk indemnity insurance must have a minimum coverage of EUR 1 250 000.

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

List and brief description of selection criteria:

The candidate must have the necessary technical and professional ability to perform the contract. Proof of the candidate's ability must be furnished by the following means:

Criterion 1: a list of minimum 5 realised projects of similar scope and size carried out over the past 15 years since the date of publication. The information is asked in a form of a table with the following columns:

— short project description,

— customer company name (+ contact data),

— project location,

— year of start-up of project,

— year of setting into service,

— power of gas burner(s) in MWth,

— explanation about the customer satisfaction with the outcome of the project (Certificate of satisfactory execution and outcome of this customer is not requested).

Only projects based upon submerged combustion technology will be taken into account by the Owner in this criterion, with a power of gas burner higher or equal to 15 MWth.

Criterion 2: Information about Quality Assurance

Minimum level(s) of standards possibly required:

Criterion 2: the economic operator must prove that he has a quality assurance management process in place. The document to be issued is as follows:

- or an ISO-9001 certificate from an accredited body,
- or any other certificate from an accredited body of a quality assurance system based on the Quality Standards, from any Member State,
- or any other evidence of quality assurance measures, in which case the burden of proof of the equivalence of these measures lies with the economic operator.

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

See invitation to tender (ITT).

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

See invitation to tender (ITT).

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

1) Tenders or requests to participate may be submitted by a group of economic operators who will not be required to adopt a particular legal form prior to the award of the contract. A letter of consent between the members of the group should be included in the request to participate and all the information required under the contract notice should be provided for each member of the group.

In the case of a joint tender, all members of the group assume joint and several liability towards Fluxys for the performance of the contract as a whole, i.e. both financial and operational liability.

The operators forming a group must designate one of them as a single point of contact (SPOC) towards Fluxys for the administrative, financial and operational management of the contract.

Furthermore, the operators forming a group should provide information on the role of each member of the group.

After the award, Fluxys will sign the contract either with all members of the group, or with the SPOC on behalf of all members of the group, authorised by the other members via powers of attorney.

2) In order to prove its economic, financial, technical or professional capacity, an economic operator may rely on the capacity of other entities, whatever the legal nature of the link between itself and those entities. The economic operator must prove to Fluxys that the necessary resources will be available to it, by delivering a written undertaking by the other entity to that effect.

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

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

See invitation to tender (ITT).

## **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**

The procurement involves the establishment of a framework agreement

Framework agreement with a single operator

In the case of framework agreements, provide justification for any duration exceeding 8 years:  
The duration of the Framework Agreement is 120 months.

The long duration of the framework agreement is justified by the use of TCO approach ("Total Cost of Ownership"), with a contract scope including the supply of all the materials needed for installation of the pumps, the services during the erection works and the (Pre-)commissioning and Start-Up, and, for a duration of 10 years after setting into services of the pump, the delivery of spare parts and the provision of maintenance services. For commercial reasons it is difficult to ask prices for the whole life cycle (estimated at 30 years). Therefore the contract duration is set to 10 years.

**IV.1.4. Information about reduction of the number of solutions or tenders during negotiation or dialogue**

Recourse to staged procedure to gradually reduce the number of solutions to be discussed or tenders to be negotiated

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

Date: 10/11/2020 Local time: 23:59

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

Date: 17/11/2020

**IV.2.4. Languages in which tenders or requests to participate may be submitted**

English

**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 ordering will be used

Electronic invoicing will be accepted

Electronic payment will be used

**VI.3. Additional information**

The request to participate and its annexes have to be uploaded by the candidate on the Fluxys Sourcing Invitation Platform (as specified under I.3) Communication).

Each candidate will have to request via the contact person as per I access to the appropriate protected folder on this Sourcing Invitation Platform. New candidates to this platform will also receive their password and instructions for access.

From receipt of the request to participate until execution of the contract Fluxys Belgium may ask tenderers and candidates at any moment during the procedure to submit all or part of the supporting documents as requested in this contract notice. In any event, prior to awarding the contract, Fluxys Belgium will require the bidder to which it has decided to award the contract to submit up-to-date supporting documents.

The requests to participate shall clearly mention the candidate's full name, including the company number, VAT number, full address and legal form.

Requests to participate must be structured as follows:

- 1) Name of bidder
- 2) Legal form of company
- 3) Date of registration
- 4) Country of registration
- 5) Registration number
- 6) VAT number
- 7) Registered address of company
- 8) Person(s) authorised to sign contracts (together or alone) on behalf of the company  
[Surname, forename, title (e.g. Dr, Mr, Ms), function (e.g. Manager...)]
- 9) Contact person for this bid:  
[Surname, forename, title (e.g. Dr, Mr, Ms), function (e.g. Manager...) Telephone number, fax number, address, e-mail]
- 10) European Standard Procurement Document (ESPD)
- 11) Requested information about each abovementioned selection criterium.

The candidates must fill in the European Single Procurement Document (ESPD) at the following address: <https://dume.publicprocurement.be/>

The following parts and questions of the ESPD must be answered:

- Part I (Information concerning the procurement procedure and the contracting entity),
- Part II (Information concerning the economic operator),
- Part III (Exclusion grounds),
- Part IV (Selection criteria): economic operators will use Part IV, α, regarding the global indication for all selection criteria, whereby Fluxys shall verify, on the basis of the supporting documentation and information requested under section III, whether the economic operators meet the selection criteria as laid down under section III of this contract notice,
- Part VI (Concluding statements).

When filled in, the ESPD should be sent to Fluxys together with the request to participate.

Where the economic operator relies on the capacities of other entities in order to prove its economic, financial, technical or

Professional capacity, it must also provide the ESPD in respect of such entities.

Fluxys may ask tenderers and candidates at any moment during the procedure to submit all or part of the supporting documents. In any event, before awarding the contract, Fluxys will require the tenderer to which it has decided to award the contract to submit up-to-date supporting documents.

The supporting documents that the tenderers and candidates must be able to provide upon request and without delay are the

Documents to be provided under section III of this contract notice.

The European Commission's FAQ on the ESPD is available at the following address: <https://ec.europa.eu/docsroom/documents/17242/attachments/1/translations/en/renditions/native>.

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

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

Official name: President of the Court of First instance of Brussels

Postal address: Rue des Quatre Bras 13

Town: Brussels

Postal code: 1000

Country: Belgium

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

Official name: President of the Court of First instance of Brussels

Postal address: Rue des Quatre Bras 13  
Town: Brussels  
Postal code: 1000  
Country: Belgium

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

Official name: President of the Court of First instance of Brussels  
Postal address: Rue des Quatre Bras 13  
Town: Brussels  
Postal code: 1000  
Country: Belgium

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

08/10/2020