

Denmark-Ringsted: Railway equipment
OJ S 175/2022 12/09/2022
Contract notice – utilities
Supplies

Legal Basis:

Directive 2014/25/EU

Section I: Contracting entity

I.1. Name and addresses

Official name: Lokaltog A/S
National registration number: 26 15 90 40
Postal address: Jættevej 50
Town: Ringsted
NUTS code: DK0 Danmark
Postal code: 4100
Country: Denmark
Contact person: Eva Stub Munch
E-mail: eva.stub.munch@cloverleaf.dk
Telephone: +45 40613800
Internet address(es):
Main address: <https://www.lokaltog.dk/>

I.1. Name and addresses

Official name: Infrastrukturselskabet Lj A/S
National registration number: 31761670
Postal address: Jættevej 50
Town: Ringsted
NUTS code: DK0 Danmark
Postal code: 4100
Country: Denmark
E-mail: eva.stub.munch@cloverleaf.dk
Internet address(es):
Main address: <https://www.lokaltog.dk/>

I.1. Name and addresses

Official name: Hovedstadens Lokalbaner A/S
National registration number: 26125146
Postal address: Nordre Jernbanevej 31
Town: Hillerød
NUTS code: DK0 Danmark
Postal code: 3400
Country: Denmark
E-mail: eva.stub.munch@cloverleaf.dk
Internet address(es):
Main address: <https://www.lokaltog.dk/>

I.2. Information about joint procurement

The contract involves joint procurement

I.3. Communication

The procurement documents are available for unrestricted and full direct access, free of charge, at: <https://www.ethics.dk/ethics/eo#/899aaad2-876d-4699-862c-c80753e56fce/publicMaterial>

Additional information can be obtained from the abovementioned address

Tenders or requests to participate must be submitted electronically via: <https://www.ethics.dk/ethics/eo#/899aaad2-876d-4699-862c-c80753e56fce/homepage>

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

Electronic communication requires the use of tools and devices that are not generally available. Unrestricted and full direct access to these tools and devices is possible, free of charge, at: <https://www.ethics.dk/ethics/eo#/899aaad2-876d-4699-862c-c80753e56fce/homepage>

I.6. Main activity

Other activity: Railway transport

Section II: Object

II.1. Scope of the procurement

II.1.1. Title

Tender regarding "Framework agreement covering the production and delivery of rails to Lokaltog"

II.1.2. Main CPV code

34940000 Railway equipment

II.1.3. Type of contract

Supplies

II.1.4. Short description

The tender covers a framework agreement on the production of rails of the type UIC60 R260 (also referred to as 60E2) and S49 R260 (also referred to as 49E2) in several lengths, cf. appendix 4 (Pricelist - TBL). Orders includes delivery to Lokaltog's locations on Zealand or Lolland-Falster within a radius of up to 110km. from the town of Køge. For the rails covered by the agreement, a valid certificate in relation to the current TSI for infrastructure must be presented, cf. Appendix 1. The price must include all costs for rails, including all costs associated with manufacturing and delivery.

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)

34946110 Rails, 34941000 Rails and accessories, 34946200 Railway-track construction supplies, 34946120 Railway materials, 34946100 Railway-track construction materials, 34941200 Track rails

II.2.3. Place of performance

NUTS code: DK0 Danmark

NUTS code: DK02 Sjælland
NUTS code: DK03 Syddanmark

II.2.4. Description of the procurement

The tender covers a framework agreement on the production of rails of the type UIC60 R260 (also referred to as 60E2) and S49 R260 (also referred to as 49E2) in several lengths, cf. appendix 4 (Pricelist - TBL). Orders includes delivery to Lokaltog's locations on Zealand or Lolland-Falster within a radius of up to 110km. from the town of Køge. For the rails covered by the agreement, a valid certificate in relation to the current TSI for infrastructure must be presented, cf. Appendix 1. The price must include all costs for rails, including all costs associated with manufacturing and delivery.

// PRICE REGULATION //

Please notice that prices for goods and services under the Agreement are regulated at the time of the purchase order (and thus not with a periodic interval which is often the practice). This initiative is made in order to accommodate a realistic price adjustment in the current market situation.

// ENGLISH VERSIONS //

The contracting authority has made this contract notice as well as main tender documents available in English language versions, including Tender Conditions, Framework Agreement and Requirement Specification. Apart from the Tender conditions (which are only in English) only the Danish versions are valid and the English versions for guidance only.

// CONTRACT QUANTITY AND VALUE //

Throughout its duration, the agreement has an estimated framework of 179.000 m. of rails as stated in appendix 4 (Pricelist - TBL) and appendix 1.1 (Forecast for Lokaltog projects 2023-30).

The agreement's total maximum framework for the entire agreement period amounts to a total of 214.800 m. of rails.

At the time of the tender the estimated maximum value of the agreement is DKK 130 mio. (ex. VAT), but the actual value may increase or decrease over the term of the Agreement depending on the price development, as the total maximum purchases for the entire agreement period is calculated in quantities as stated above. Please see the Agreement, § 4.2 for further details.

II.2.5. Award criteria

Criteria below

Quality criterion - Name: Quality / Weighting: 40

Price - Weighting: 60

II.2.6. Estimated value

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

Duration in months: 48

This contract is subject to renewal: yes

Description of renewals:

The Agreement may be extended by two (2) times two (2) years with a notice of at least six (6) months. The duration of the Agreement is thus a maximum of 96 months from the time the Agreement is signed by Lokaltog, including the options to extend the duration of the Agreement.

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

Maximum number: 6 Objective criteria for choosing the limited number of candidates:

Lokaltog will invite a maximum of 6 applicants to submit tenders.

If more than 6 conditional applications for pre-qualification are received, Lokaltog will select among these applicants. The selection of candidates invited to tender will be based on an evaluation of which candidates have documented the most relevant references in form of deliveries as well as the most relevant TSI certificates, see contract notice section III.1.3), of the similar services and supplies covered by the contract, see the description in contract notice sections II.1.4) and II.2.4).

The relevance assessment is made based on the extent to which the references, based on an overall assessment, are of at least similar volume as the tendered agreement, document broad experience and knowledge regarding the delivery of rails to both projects and maintenance at a contracting authority similar to Lokaltog, demonstrate direct involvement in and experience with all aspects of producing and delivering rails to contracting authorities similar to Lokaltog. It is evaluated positively if the references clearly indicate delivery of rails to a contracting authority. It is evaluated positively if the references clearly indicate delivery of rails to TSI approved tracks. It is furthermore evaluated positively, if the applicant currently holds valid TSI IO component certificates in relation to the current TSI for infrastructure for the specific types of rails covered by this tender. Experience with cross-border projects (defined as deliveries to countries outside the production site) is evaluated positively.

II.2.10. Information about variants

Variants will be accepted: no

II.2.11. Information about options

Options: yes

Description of options:

The Agreement may be extended by two (2) times two (2) years with a notice of at least six (6) months. The duration of the Agreement is thus a maximum of 96 months from the time the Agreement is signed by Lokaltog, including the options to extend the duration of the Agreement.

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

The Agreement has not been subdivided into lots as it has not been deemed commercially attractive as it is important for the project to achieve the necessary synergy with one supplier regarding technical material and processes. Managing more suppliers as well as sharing knowledge and managing interfaces between these is likely to increase project costs and timeframe.

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:

Applicants must provide the following information regarding economical and financial standing.

The information should be provided in the ESPD, Part IV (B):

- Yearly turnover in the last 3 financial years available
- Equity in the last financial year available

Minimum level(s) of standards possibly required:

Minimum level required:

- The applicant's equity in the most recent available financial year must be positive. If the applicant is based on the ability of other entities (e.g. a consortium), the amount is calculated as the company's total equity, and
- The applicant must have a minimum turnover of 20 mill. DKK per. year in the most recent 3 available financial years.

III.1.3. Technical and professional ability

List and brief description of selection criteria:

Applicants must provide the following information regarding technical and professional ability. The information should be provided in the ESPD, Part IV (B and C):

- 1) Indication if the applicant currently holds valid IO-component certificate in relation to the current Infrastructure TSI
- 2) A reference list of the of at least 3 and maximum 7 references on deliveries for similar work within the last three years, see contract notice section II.2.4.

As part of the reference description, please provide the following information:

- Name of the contracting entity including contact person for which the reference project was carried out
- The value of the reference project
- Project description including a description on
 - o how the reference project covered both production and delivery of rails to a contracting entity
 - o how the reference project covered the production and delivery of rails to TSI-approved tracks
- Contract duration (project start and end / or current status)
- Description of the organization of the project, including if the project was carried out by the applicant alone or if sub suppliers, partners, consortium constellation or other means of supporting entities were part of the delivery of the reference project.

If more than 7 references are provided, Lokaltog will only assess the seven (7) references with the newest start date.

Lokaltog will disregard references completed more than three (3) years before the application deadline.

The reference list provided by the applicant in the ESPD will constitute the final documentation for the applicant's information on technical and professional ability. Lokaltog may, however, obtain further documentation of the applicant's technical and professional ability, if Lokaltog deems this relevant.

Minimum level(s) of standards possibly required:

Minimum level required:

(1) The applicant shall provide references for at least 3 projects regarding to deliveries for rails within the last three years, cf. Contract Notice ("Udbudsbekendtgørelsen"), section II.1.4) and pkt. II.2.4). The references must fulfil the following criteria:

- I. The reference project covers production of rails to a contracting entity
- II. The delivery has been concluded or is currently ongoing

(2) The applicant must have an ISO9001 certification (quality assurance standard) or similar.

III.1.6. Deposits and guarantees required

It is a requirement that the Supplier and its possible subcontractors take out and maintain all statutory and necessary usual business and product liability insurance covering damages in accordance with general rules for their activities throughout the agreement period.

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

For groups of operators (e.g. a consortium or joint venture), a separate ESPD must be submitted for each participating economic operator.

A group of operators shall besides the ESPD documents submit a signed consortium declaration, declaring which consortium venture member is delegated the legal power to engage bindingly in clarifying dialogue and contracting with Lokaltog. The candidate is encouraged to use the template for consortium declaration, cf. Tender Appendix B. In pre-qualification the combined eligibility of the consortium/joint venture is being evaluated. Requirements in relation to documentation of the information submitted in the ESPD is also mandatory for members of consortia/joint ventures.

III.2. Conditions related to the contract

III.2.2. Contract performance conditions

The winning tenderer must submit documentation of insurance (see III.1.6) no later than before the conclusion of the agreement that the Supplier's insurance conditions live up to the requirements specified in section 14 of the Agreement in the form of a copy insurance certificate.

Lokaltog has the right not to sign the Agreement until the Supplier has provided satisfactory documentation that the Supplier's own insurance conditions live up to the above at the conclusion of the agreement. If the winning tenderer is unable to provide the required documentation within a deadline set by Lokaltog, which will not be less than 10 working days, Lokaltog may award the contract to the supplier who is assessed second best in the evaluation.

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 a single operator

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.2.1. Previous publication concerning this procedure

Notice number in the OJ S: [2021/S 220-576476](#)

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

Date: 10/10/2022 Local time: 09:00

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

Date: 13/10/2022

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

Danish, 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

Lokaltog reserves the right to award the agreement based on the initial offer.

// PRE-QUALIFICATION //

When applying for pre-qualification, the applicant must fill in the joint European Single Procurement Document (hereinafter referred to as "ESPD") as a preliminary proof of the provisions of § 148 (1) of the Danish Public Procurement Act, cf. § 10 of Executive order no. 1624 of 15.12.2015.

For groups of operators (e.g. a consortium), a separate ESPD must be submitted for each participating economic operator. A group of operators shall besides the ESPD documents submit a signed consortium declaration, declaring which consortium venture member is delegated the legal power to engage bindingly in clarifying dialogue and contracting with Lokaltog. The candidate is encouraged to use the template for consortium declaration, cf. Tender Appendix B .

If the candidate relies on the capacity of other entities, an ESPD must be submitted for each of the entities on which the candidate/tenderer relies. The supporting entity shall sign the ESPD before submitting the application. The candidate must prove that the necessary resources from the supporting entities will be made available to the candidate. The candidate is encouraged to use the template for support declaration, cf. Tender appendix C.

The ESPD is preliminary evidence:

- That the applicant is not covered by grounds for exclusion, cf. section 3.1 as well as the ESPD, part III (A-D).
- That the applicant meets any minimum requirements for the financial and financial ability as set out in section 3.3 below as well as the Contract Notice ("Udbudsbekendtgørelsen") section III.1.2).
- That the applicant meets any minimum requirements for technical and professional ability set out in section 3.4 below as well as the Contract Notice ("Udbudsbekendtgørelsen") section III.1.3)

The ESPD is filled out directly in the electronic procurement tool in relation to the application for pre-qualification.

// EXCLUSION //

An applicant who at any time during the procurement procedure is subject to one of the reasons for exclusion in §§ 135-136 or § 137, first paragraph, (2) of the Danish Public Procurement Act, cf. § 10 of Executive order nr. 1624 of 15.12.2015 will be excluded from participating in the procurement procedure. The contracting authority may not exclude the applicant in question if the applicant submits evidence of its reliability within a reasonable period of time set by Lokaltog, cf. § 138 of the Danish Public Procurement Act, cf. § 10 of Executive order nr. 1624 of 15.12.2015.

Attention is drawn to Article 5k in Regulation (EU) No 833/2014 as amended by Regulation (EU) 2022/576 which contains a prohibition against award of contracts to Russian companies and Russian controlled companies etc. (reference is made to Article 5k, section 1, for the exact delimitation of the actors covered by the prohibition). Lokaltog may at any time during

the tender process require that the candidates/tenderers prove that they are not covered by the prohibition, for example by requiring documentation regarding the candidates'/tenderers' and any subcontractors' place of establishment and ownership.

// QUESTIONS //

By asking questions to Lokaltog via Ethics the applicant/tenderer can clarify any ambiguities in relation to the tender documents or the pre-qualification; tender process; or other questions related to doubt about how to prepare the request for pre-qualification/ tender. Lokaltog recommends that questions are asked as they arise up until the deadline for submitting questions, cf. Tender conditions, section 2.1.

// INFORMATION MEETINGS //

The contracting authority plans to hold two (2) information meetings regarding this tender. The first meeting will be held on 13 September 2022, 10:30-11:30 via Teams. The second meeting will be held on 14 October 2022, 10:30-11:30 also via Teams. An invitation for the Teams-meeting will be sent to the email-address registered by the applicant/tenderer in Ethics.

VI.4. Procedures for review

VI.4.1. Review body

Official name: Klagenævnet for Udbud

Postal address: Toldboden 2

Town: Viborg

Postal code: 8800

Country: Denmark

E-mail: klfu@naevneshus.dk

Telephone: +45 72405600

Internet address: <https://naevneshus.dk/start-din-klage/klagenavnet-for-udbud/>

VI.4.3. Review procedure

Precise information on deadline(s) for review procedures:

Pursuant to the Act on the Complaints Board for Tenders, the following deadlines apply for the submission of a complaint:

Complaints about not having been pre-qualified must be submitted to the Complaints Board for Tenders before 20 calendar days from the day following the sending of a notification to the applicants concerned as to who has become selected, cf. the Public Procurement Act, section 171, subsection 2, or the Appeals Board Act § 2, para. 1, no. 1, when the notification is accompanied by a justification for the decision.

In other situations, a complaint about a tender must be submitted to the Complaints Board for Tenders before: 1) 45 calendar days after the contracting authority has published a notice in the Official Journal of the European Union; that the contracting authority has entered into a contract. The deadline is calculated from the day after the day on which the executive order has been published.

2) 30 calendar days from the day following the day on which the contracting authority notifies the tenderers concerned that a contract based on a framework agreement reopening the competition or a dynamic purchasing system has been concluded, if the notification has stated a reason for the decision.

3) six months after the contracting authority has entered into a framework agreement calculated from the day after the day on which the contracting authority has notified the affected applicants and tenderers, cf. section 2 (1) of the Act. 2, or the Public Procurement Act § 171, para. 4.

4) 20 calendar days calculated from the day after the contracting authority has announced its decision, cf. section 185 of the Public Procurement Act, PCS. 2.

At the latest at the same time as a complaint is submitted to the Complaints Board for Tenders, the complainant must notify the contracting authority in writing that a complaint is submitted to the Complaints Board for Tenders, and whether the complaint has been submitted during the standstill period, cf. 4. In cases where the complaint has not been lodged during the standstill period, the complainant also state whether a suspensive effect of the complaint is requested, cf. the Complaints Board Act, section 12, subsection. 1. The Complaints Board for the E-mail Address of the Tender is specified in section VI.4.1). The Complaints Guide from the Complaints Board for Tenders can be found on the Complaints Board's website.

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

Internet address: www.kfst.dk

VI.5. Date of dispatch of this notice

07/09/2022