

Denmark-Taastrup: Repair and maintenance services of rolling stock
OJ S 194/2021 06/10/2021
Contract notice – utilities
Services

Legal Basis:

Directive 2014/25/EU

Section I: Contracting entity

I.1. Name and addresses

Official name: DSB Vedligehold A/S

National registration number: 32788742

Postal address: Telegade 2

Town: Taastrup

NUTS code: DK0 Danmark

Postal code: 2630

Country: Denmark

Contact person: Søren Rose

E-mail: sros@dsb.dk

Telephone: +45 24683350

Internet address(es):

Main address: www.dsb.dk

Address of the buyer profile: <https://eu.eu-supply.com/ctm/Company/CompanyInformation/Index/63264>

I.2. Information about joint procurement

The contract is awarded by a central purchasing body

I.3. Communication

The procurement documents are available for unrestricted and full direct access, free of charge, at: http://eu.eu-supply.com/app/rfq/rwlentrance_s.asp?PID=312300&B=DSB

Additional information can be obtained from the abovementioned address

Tenders or requests to participate must be submitted electronically via: http://eu.eu-supply.com/app/rfq/rwlentrance_s.asp?PID=312300&B=DSB

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

I.6. Main activity

Railway services

Section II: Object

II.1. Scope of the procurement

II.1.1. Title

Battery Services and Supply for DSB Train Fleet

Reference number: Battery Service DSB Train Fleet

II.1.2. Main CPV code

50222000 Repair and maintenance services of rolling stock

II.1.3. Type of contract

Services

II.1.4. Short description

DSB wants to enter into an Agreement with a Supplier, for battery overhaul and repair services and supplies of batteries and spare parts to DSB train fleet; supplied to all DSB's different workshops in Denmark.

II.1.5. Estimated total value

Value excluding VAT: 30 000 000,00 DKK

II.1.6. Information about lots

This contract is divided into lots: no

II.2. Description

II.2.2. Additional CPV code(s)

50222000 Repair and maintenance services of rolling stock, 31421000 Lead batteries, 31422000 Battery packs, 31434000 Lithium accumulators, 31440000 Batteries

II.2.3. Place of performance

NUTS code: DK0 Danmark

Main site or place of performance: Jylland and Sjælland, Denmark

II.2.4. Description of the procurement

DSB wants to enter into an Agreement with a Supplier, for battery overhaul and repair services and supplies of batteries and spare parts to DSB train fleet; supplied to all DSB's different workshops in Denmark.

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: 30 000 000,00 DKK

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

Duration in months: 96

This contract is subject to renewal: yes

Description of renewals:

Contract can optionally be extended by 2 x 1 year.

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

Envisaged number of candidates: 3 Objective criteria for choosing the limited number of candidates:

The shortlisting of candidates (to 3) invited to tender will be based on an evaluation of which candidates have documented the most relevant references in form of deliveries, see section III. 1.3), of the similar services and supplies covered by the contract, see the description in sections II.1.4) and II.2.4).

The evaluation of the most relevant deliveries of similar services and supplies, will be made on the basis of the extent, to which the references document experience with delivery of comparable supplies.

In the evaluation of which candidates have documented the most relevant deliveries of similar services and supplies, the extent to which the references, in total, document relevant experience in delivering the similar services and supplies.

II.2.10. Information about variants

Variants will be accepted: no

II.2.11. Information about options

Options: yes

Description of options:

a) Contract can optionally be extended by 2 x 1 year.

b) The overhaul service of the train type OTU is optional. The option terms are further specified in Appendix 2 - Technical Specifications and Draft to "Framework Product Purchase Agreement - Battery overhaul service and supplies to DSB Train Fleet - draft"

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

A) DSB will host an information meeting in regards to preparations for prequalification terms and application. The meeting will be held 13th October, 2021.

B) An inspection meeting about the technical specifications of the battery types will be held by the contracting entity for the 3 prequalified candidates, on 9th November 2021, at the workshop in Århus, Denmark, cf. Tender Specifications.

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:

We refer to the ESPD, section IV.

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 in ESPD part IV.

Financial requested information is to be submitted for the years 2018-2020.

A: The candidates total annual turnover in the three (3) latest financial years available sum is to be summarized in DKK

B: The candidates EBIT in the three (3) latest financial years available

C: The candidates solvency ratio in the three (3) latest financial years available

If the candidate relies on the economic and/or financial capacity of other entities, the contracting entity requires that the candidate and the entities in question must undertake joint and several liability for the performance of the contract.

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

Before the decision to award the contract is made, the tenderer to whom the contracting entity intends to award the contract to, 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:

A: A statement regarding the candidates total turnover in the three most recent annual reports /financial statements available, depending on when the candidate was set up or started trading, if the figures for this turnover are available.

For groups of candidates (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 a candidate relies on the economic and financial capacity of other entities (e.g. a parent company, a sister company or a subcontractor), information must be submitted for all both the candidate and all Supporting entities.

B: A statement regarding the candidates EBIT in the three most recent annual reports/financial statements available, depending on when the operator was set up or started trading, if the figures for this turnover are available. For groups of candidates' (e.g. a consortium), the information in the most recent annual report/ financial statement available must be submitted for each participating candidate in the group. Where a candidate 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.

C: A statement regarding the operator's solvency ratio calculated as $(\text{total equity}/\text{total assets}) * 100$ in the three (3) most recent annual reports/financial statements available, depending on when the operator was set up or started trading.

For groups of candidates (e.g. a consortium), the information in the most recent annual report /financial statement available must be submitted for each participating candidate in the group. Where a candidate 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.

D: An insurance-coverage of min DKK 25.000.000 which is effective no later than from the signing of the contract. Please note that the insurance is to be kept in service all throughout the period of agreement.

Minimum level(s) of standards possibly required:

A: As a minimum requirement, an average total annual turnover of at least DKK 40.000.000 calculated over the latest three (3) financial years available.

For groups of candidates (e.g. a Consortium) turnover will be calculated as the combined total turnover of the candidates in the group in each of the latest three (3) financial years available. Where a candidate relies on the economic and financial capacity of other entities the turnover is calculated as the total combined turnover of the candidate and the supporting entities in each of the latest three (3) financial years.

B: As a minimum requirement, an average EBIT of at least DKK 3% calculated over the latest three (3) financial years available.

For groups of candidates (e.g. a Consortium) EBIT is calculated as the combined EBIT of the candidates in the group in each of the latest three (3) financial years available. Where a candidate relies on the economic and financial capacity of other entities net income is calculated as the total combined EBIT of the candidate and the supporting entities in each of the latest three (3) financial years.

C: As a minimum requirement, an average solvency ratio of at least 20% calculated over the latest three (3) financial years available.

For groups of candidates (e.g. a Consortium) solvency ratio will be calculated as the combined equity of the candidates in the group divided by the combined total assets of the candidates in the group, in percent, in each of the latest three (3) financial years available.

Where a candidate relies on the economic and financial capacity of other entities solvency ratio will be calculated as the combined equity of the candidate and supporting entities divided

by the combined total assets of the candidate and supporting entities, in percent, in each of the latest three (3) financial years available.

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 up to the 5 most significant references with similar services and supply to this tender, see sections II.1.4) and II.2.4), that the candidate has carried out in the last 3 years (2018-2020).

Only references relating to similar services and supplies 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 similar services and supplies 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.

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).

The ESPD serves as provisional documentation that the candidate the candidate's compliance with the selection criterion, see section II.2.9).

Before the decision to award the contract is made, the tenderer to whom the contracting entity intends to award the contract 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:

A list of minimum 3 and maximum 5 most significant references with similar services and supply to this tender.

III.1.6. Deposits and guarantees required

An insurance-coverage of min DKK 25.000.000 which is effective no later than from the signing of the contract. Please note that the insurance is to be kept in service all throughout the period of agreement.

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

Payment terms can be accepted as being net. 30 days from issuing date of invoice.

Delivery terms INCOTERMS 2021: DDP upon delivery to DSB, to all DSB's workshops in Denmark.

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 order is awarded to a group of economic operators (e.g. a consortium), each participant 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 contract 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 contract furthermore lays down requirements pursuant to ILO Convention no. 94 on labour clauses in public contracts and Circular no. 9471 of 30 June 2014.

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

Date: 01/11/2021 Local time: 10:00

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

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

Participation in the tendering procedure may only take place by electronic means via the electronic tendering system used by the contracting entity, see the address set out in section I. 3).

If the application contains several versions of the same document, the latest uploaded version will apply.

DSB estimates the order to be between DKK 25.000.000 and DKK 35.000.000.

All communication in connection with the tender procedure, including questions and answers must take place through the electronic tendering system.

Interested operators are requested to keep updated via the electronic tendering system. If the candidate encounters problems with the system, please contact support by e-mail, dksupport@eu-supply.com, or telephone (+45) 70 20 80 14.

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 contract. The form is enclosed as an attachment to the tender specifications.

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 ss.135 and 136 of the Danish Public Procurement Act, cf. s.10, para. (1) of Ministerial Order on procurement by entities operating in the water, energy, transport and postal services sectors, unless the candidate has submitted sufficient documentation for its reliability in accordance with s.138 of the Danish Public Procurement Act, cf. s.10(1), para. (2) of the Danish Implementing Order (implementeringsbekendtgørelsen).

As regards sections II.1.5) and II.2.6), it should be noted that the amount is a qualified estimation of the expected contract price for the entire term of the contract, including the price of all options. The estimate is based on the contracting entity's market and technical knowhow. As regards section II.2.9) it should be noted that each candidate may only submit one application for prequalification.

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

The contracting entity reserves the right to award the contract on the basis of the initial tender.

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@naevneneshus.dk

Telephone: +45 72405708

Internet address: <https://erhvervsstyrelsen.dk/klagevejledning-0>

VI.4.3. Review procedure

Precise information on deadline(s) for review procedures:

Precise information on deadline(s) for review procedures:

Pursuant to the Danish Act on the Complaints Board for Public Procurement, etc. (lov om Klagenævnet for Udbud m.v.) (the Act is available (in Danish) at www.retsinformation.dk), the following deadlines apply to the lodging of complaints:

Complaints for not having been selected must be submitted to the Danish Complaints Board for Public Procurement before the expiry of 20 calendar days, see section 7(1) of the Act, from the day after submission of notification to the candidates concerned of the identity of the successful tenderer where the notification is accompanied by an explanation of the grounds for the decision in accordance with section 2(1), para (1) of the Act. In other situations, complaints of award procedures, see section 7(2) of the Act, must be lodged with the Danish Complaints Board for

Public Procurement before the expiry of:

1) 45 calendar days after the contracting entity has published a notice in the Official Journal of the European Union that the contracting entity has entered into a contract. The deadline is calculated from the day after the day when the notice was published..

2) 30 calendar days calculated from the day after the day when the contracting entity has notified the candidates concerned that a contract based on a framework agreement with reopening of competition or a dynamic purchasing system has been entered into where the notification has included an explanation of the relevant grounds for the decision.

3) 6 months after the contracting entity entered into a framework agreement calculated from the day after the day when the contracting entity notified the candidates and tenderers concerned, see section 2(2) of the Act.

Not later than at the time of lodging a complaint with the Danish Complaints Board for Public Procurement, the complainant must notify the contracting entity in writing that a complaint has been lodged with the Danish Complaints Board for Public Procurement and whether the appeal was lodged during the standstill period, see section 6(4) of the Act. In cases where the complaint was not lodged within the standstill period, the complainant must furthermore indicate whether a suspensory effect of the complaint has been requested, see clause 12(1) of the Act.

The e-mail address of the Complaints Board for Public Procurement is set out in section VI.

4.1). The Complaints Board's own complaints procedure is available at <https://klfu.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

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

VI.5. Date of dispatch of this notice

01/10/2021