

**Germany-Berlin: Accumulators, primary cells and primary batteries**

OJ S 161/2023 23/08/2023

Contract notice – utilities

Supplies

**Legal Basis:**

Directive 2014/25/EU

**Section I: Contracting entity**

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**I.1. Name and addresses**

Official name: 50Hertz Transmission GmbH

Postal address: Heidestraße 2

Town: Berlin

NUTS code: DE Deutschland

Postal code: 10557

Country: Germany

Contact person: Susanne Nelke

E-mail: [susanne.nelke@50hertz.com](mailto:susanne.nelke@50hertz.com)**Internet address(es):**Main address: [www.50hertz.com](http://www.50hertz.com)**I.3. Communication**The procurement documents are available for unrestricted and full direct access, free of charge, at: <https://eliagroup.sharepoint.com/:f:/s/EFSS/EFSS>[/EIplSHwH34JxIsnrw\\_ejSVdgBnE8AYSHbZcSFzXL3wrlkow?e=87PWnD](https://eliagroup.sharepoint.com/:f:/s/EFSS/EFSS/EIplSHwH34JxIsnrw_ejSVdgBnE8AYSHbZcSFzXL3wrlkow?e=87PWnD)

Additional information can be obtained from the abovementioned address

Tenders or requests to participate must be submitted electronically via: <https://www.ariba.com/>

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

**I.6. Main activity**

Electricity

**Section II: Object**

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**II.1. Scope of the procurement****II.1.1. Title**

Framework Agreement Batteries

**II.1.2. Main CPV code**

31400000 Accumulators, primary cells and primary batteries

**II.1.3. Type of contract**

Supplies

**II.1.4. Short description**

The general scope of this tender is the engineering, supply, delivery, unloading, installation, assembly, commissioning, disassembly and disposal of batteries (OPzS, OPzV and AGM).

**II.1.5. Estimated total value**

#### **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

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

The Services include the design engineering / supply / delivery / unloading / installation / assembly / commissioning / disassembly and disposal of "Batteries" including all accessories to substations / and supervision of works / as well as any related services to TSO's Onshore substations as described in the Contractual Documents. In addition, the batteries might be implemented in offshore substations too but with delivery to an onshore substation.

Estimated quantities for the framework agreement term across all battery types are 11.000 cells, maximum 22.000 cells, however no volume commitment. Further information can be obtained from the tender documents.

##### **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: 84

This contract is subject to renewal: yes

Description of renewals:

Extension option 1 year

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

Envisaged number of candidates: 4 Objective criteria for choosing the limited number of candidates:

Objective criteria for choosing the limited number of candidates:

Based on company information, technical information with references and HSE information.

<https://eliagroup.sharepoint.com/:w:/s/EFSS/EFSS>

[/EXd2kg7Pk8BPlao9x7oVqHoBQjzMOfn28W8laRKdnf4JaQ?e=xT9q5N](https://eliagroup.sharepoint.com/:w:/s/EFSS/EFSS/EXd2kg7Pk8BPlao9x7oVqHoBQjzMOfn28W8laRKdnf4JaQ?e=xT9q5N)

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

Variants will be accepted: no

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

Options: yes

Description of options:

Option to extend the framework agreement term by 1 year.

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

List and brief description of selection criteria:

Signed Candidate Selection Questionnaire

Exclusion grounds according §§ 123, 124 GWB: Confirmation that there are no grounds for exclusion pursuant to §§ 123, 124 GWB with regard to our company and, if applicable, those from whom the suitability is borrowed.

Minimum wages: confirmation that paid wages are compliant with the statutory minimum wage or collectively agreed remuneration regulations are obeyed, where applicable

Financial information: submission of a financial report dated of maximum 6 months from the submission deadline from an independent credit rating company (Credit Safe, Dun & Bradstreet, Graydon or equivalent)

Annual reports: submission of annual reports or annual financial statement, or alternatively balance sheets (to be justified) or, in the extreme alternative, a profit and loss account (to be justified) for the last two financial years

Confirmation that 50Hertz can request additional financial reports, should it be deemed necessary

Liability insurance: submission of certificate

Commercial register: submission of commercial register extract

Confirmation of compliance with sanctions against Russia

Minimum level(s) of standards possibly required:

All of the above

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

List and brief description of selection criteria:

Knowledge and capabilities: Confirmation that quality assurance and all works will be carried out according to valid rules, regulations and standards (e.g. IEC, EN, DIN or comparable)

Agreement on audits: Acceptance of audit in case of doubts related to the information provided with this application

References: The requested information, minimum criteria and scoring system are explained in the excel file:

<https://eliagroup.sharepoint.com/:x/s/EFSS/EFSS/UNyn11M8qhJo7pXe59HTEQBWre3G5orK3P-vEty1yz3iQ?e=hl7k7O>

Confirmation that 50Hertz can request additional information related to references, should it be deemed necessary

Language requirements: German - minimum level B2 for relevant staff (SPOC for Contract, Factory, Project, Technical) as well as operational supervisor

ISO 9001: submission of certificate

ISO 14001: submission of certificate

ISO 45001: submission of certificate

Confirmation that 50Hertz can request additional information related to quality policy or procedures, should it be deemed necessary

Minimum level(s) of standards possibly required:

All of the above

#### **III.1.4. Objective rules and criteria for participation**

List and brief description of rules and criteria:

The Applicant must request, complete and submit by the closing date (see IV.2.2.) the Candidate Selection Questionnaire with the requested data and documents.

In parallel, the applicants that have not registered in the tendering platform Ariba, must request the access to Ariba, by sending an e-mail to the responsible buyer, at the very latest 7 workdays before the participation deadline, (see I.1.) mentioning the name of the legal entity, address, VAT number, name + e-mail + telephone of the contact(s).

Information to access the tender on the Ariba platform will be provided by e-mail as soon as possible.

General explanations of the content of the application to participate: to be found under VI.3).

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

Cf. tender documents.

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

Jointly and severally liable.

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**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: 2

**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: 28/09/2023 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**

Duration in months: 4 (from the date stated for receipt of tender)

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**Section VI: Complementary information**

**VI.1. Information about recurrence**

This is a recurrent procurement: no

**VI.3. Additional information**

(a) Q&A:

Interested companies can contact the awarding authority with questions about the application at latest 10 days before the end of the participation period (Stage 1). If the questions or

answers are of general interest, they will be made available in anonymized form. All interested companies or applicants are obliged to take note of the questions and answers published when drafting their application to participate. Failure to do so may result in exclusion from the procedure.

Deadlines for questions regarding the offer period will be clarified within the tender documents.

(b) Continuation of point III.1.4) Objective participation rules and criteria:

General explanations on the content of the request to participate.

1) Current means not older than 6 months backdated from the date of the end of the participation period.

2) If an applicant cannot present a third party certificate, e.g. an entry in the register, as required, a comparable third party certificate must be presented and the comparability must be demonstrated by appropriate explanations.

3) Foreign applicants: as a rule, they must submit the required declarations/evidence in German or English or in an officially certified translation. If a declaration/evidence cannot be submitted at all, the reasons for this must be given, a comparable declaration/evidence must be submitted and an explanation must be given in German or English why the comparability exists.

4) Consortia of applicants. Together with the application for participation, a legally binding declaration of participation, signed and completed in full by all members has to be submitted. Particular attention shall be paid to the aspect of compliance of the formation of the applicant group with cartel law. Each member of the applicant group must submit the declarations and evidence required under III.1.1) and II.1.2). This applies to a limited extent to the declarations and evidence under III.1.3) if the applicant group foresees a division of tasks and if, for example, certain references can only be submitted by one applicant group member; any limited submission of declarations and evidence must be explained in detail by the applicant group in an Annex to the applicant group declaration. The same rules apply to applicant groups as for applicants.

5) Other companies: applicants can use other companies to prove their suitability (suitability loan). In this case, the other company must submit a declaration of commitment according to which it will provide a specifically defined partial service for the applicant in the event of an order. Companies which lend the suitability to the applicant (suitability lenders and subcontractors) must be summarised in a list in which the name and registered office of the other company and the part of the service are formulated.

(d) Back-up contracts:

The lower-ranked bidders will be awarded with a back-up function. Further details are regulated in the award documents.

(e) Besides 50Hertz Transmission GmbH all companies affiliated with the Elia Group (in particular 50Hertz Offshore GmbH, Elia Grid International GmbH, Elia Transmission Belgium S. A., Elia Asset S.A., Elia Engineering S.A ) are entitled to call on this framework agreement.

(f) The first offer can only be evaluated if its valid, complete, unconditional and eligible, meets the technical conditions of the attached enquiry documents, is fully completed in all parts as an individual offer and is received by us in accordance with the deadlines set out in the invitation to tender. The bidders have no right for negotiation.

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

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

Official name: Senatsverwaltung für Wirtschaft, Energie und Betriebe — Vergabekammer des Landes Berlin

Postal address: Martin-Luther-Straße 105

Town: Berlin  
Postal code: 10825  
Country: Germany

#### **VI.4.3. Review procedure**

Precise information on deadline(s) for review procedures:

The application for review proceedings before the public procurement tribunal 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) 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 authority that it is unwilling to redress the objection.

Sentence 1 shall not apply to an application under § 135(1) no. 2 to have the contract declared ineffective. § 134(1) sentence 2 shall remain unaffected.

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

18/08/2023