

Denmark-Copenhagen: Supervision of project and documentation
OJ S 166/2023 30/08/2023
Contract award notice
Services

Legal Basis:

Directive 2014/24/EU

Section I: Contracting authority

I.1. Name and addresses

Official name: Femern A/S
National registration number: 28986564
Postal address: <https://femern.com/>
Town: København V
NUTS code: DK011 Byen København
Postal code: 1601
Country: Denmark
Contact person: Femern - Samina Gul Parvez
E-mail: sagp@femern.dk
Telephone: +45 33416300
Internet address(es):
Main address: <https://femern.com/>

I.4. Type of the contracting authority

Body governed by public law

I.5. Main activity

Other activity: Femern A/S manages the construction and operation of the future fixed link across Fehmarn Belt.

Section II: Object

II.1. Scope of the procurement

II.1.1. Title

Framework Agreement for Consultancy Services Related to Plan Approval, Interface Management and Land Acquisition in Germany

II.1.2. Main CPV code

71248000 Supervision of project and documentation

II.1.3. Type of contract

Services

II.1.4. Short description

The Consultant shall assist Femern A/S in relation to the following areas:

- Acquisition of land in Germany as required for the project, including expropriation.
- Potential plan approval or plan amendment procedures including hearing meetings and court cases in Germany.
- Compliance of Contractors' Design documents with German plan approval requirements.

- General environmental matters, including acquisition and management of eco-accounts.
- Negotiation and conclusion of railway crossing agreements, crossing and usage agreements for utilities as well as licensing agreements.

II.1.6. Information about lots

This contract is divided into lots: no

II.1.7. Total value of the procurement

Value excluding VAT: 1 800 000,00 EUR

II.2. Description

II.2.2. Additional CPV code(s)

71000000 Architectural, construction, engineering and inspection services, 71250000 Architectural, engineering and surveying services, 71353000 Surface surveying services, 71355000 Surveying services, 71541000 Construction project management services, 71700000 Monitoring and control services

II.2.3. Place of performance

NUTS code: DEF08 Ostholstein

Main site or place of performance: Fehmarn

II.2.4. Description of the procurement

The Consultant shall assist Femern A/S in relation to the following areas:

- Acquisition of land in Germany as required for the project, including expropriation.
- Potential plan approval or plan amendment procedures including hearing meetings and court cases in Germany.
- Compliance of Contractors' Design documents with German plan approval requirements.
- General environmental matters, including acquisition and management of eco-accounts.
- Negotiation and conclusion of railway crossing agreements, crossing and usage agreements for utilities as well as licensing agreements.

II.2.5. Award criteria

Quality criterion - Name: CV / Weighting: 65%

Price - Weighting: 35%

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: yes

Identification of the project: The construction of the fixed link across the Fehmarn Belt receives EU funding from the CEF programme under project code 2014-EU-TM-0221-W and 21-EU-TG- Fehmarnbelt Tunnel.

II.2.14. Additional information

The contract is tendered as one single agreement in order to achieve economics of scale, reduced costs for administration of the contract and a better understanding of the scope of services. Dividing the contract into lots is not considered to lead to a higher level of competition.

Section IV: Procedure

IV.1. Description

IV.1.1. Type of procedure

Open procedure

IV.1.3. Information about a framework agreement or a dynamic purchasing system

The procurement involves the establishment of a framework agreement

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: [2023/S 060-174113](#)

IV.2.8. Information about termination of dynamic purchasing system

IV.2.9. Information about termination of call for competition in the form of a prior information notice

Section V: Award of contract

Title:

Framework Agreement for consultancy services related to plan approval, interface management and land acquisition in Germany

A contract/lot is awarded: yes

V.2. Award of contract

V.2.1. Date of conclusion of the contract

01/08/2023

V.2.2. Information about tenders

Number of tenders received: 2

Number of tenders received from SMEs: 2

Number of tenders received from tenderers from other EU Member States: 2

Number of tenders received from tenderers from non-EU Member States: 0

Number of tenders received by electronic means: 2

The contract has been awarded to a group of economic operators: no

V.2.3. Name and address of the contractor

Official name: Aregio Consult GmbH

National registration number: DE317620913

Postal address: Kurfürstendamm 30

Town: Berlin

NUTS code: DE30 Berlin

Postal code: 10719

Country: Germany

The contractor is an SME: yes

V.2.4. Information on value of the contract/lot

Initial estimated total value of the contract/lot: 1 800 000,00 EUR

Total value of the contract/lot: 1 800 000,00 EUR

V.2.5. Information about subcontracting

Section VI: Complementary information

VI.3. Additional information

- 1) It should be noted that the estimated value in this contract notice is based on Femern A/S' estimate on a complex project. Thus, the actual use of the framework agreement may differ considerably, and Femern A/S does not undertake to buy a specific quantity of service or to make purchases in a particular amount under the framework agreement
- 2) The total maximum value of the framework agreement is estimated to 1 800 000 EUR, based on the fact that it is a complex project, and the actual quantity purchased under the framework agreement depends on the development of the project.
- 3) Regarding the ESPD: the tenderer must complete and submit the electronic ESPD which serves as preliminary evidence of fulfilment of the conditions for participation in the tender procedure, including that the tenderer is not subject to the grounds for exclusion. Femern A/S reserves the right, at any time during the tendering procedure, to request the tenderer to provide documentary proof, cf. section 151 of the Danish Procurement Act, if required to ensure the proper execution of the procedure. In this situation, Femern A/S will set an appropriate deadline for the submission of documentation. Femern A/S will exclude a tenderer from participation in a procurement procedure, if the tenderer is covered by sections 134(a), 135 and 136 of the Danish Procurement Act (mandatory exclusion grounds). Please note that some of the voluntary exclusion grounds in the Public Procurement Directive has been made mandatory in section 136 of the Danish Procurement Act. Furthermore, Femern A/S will exclude a tenderer if the tenderer is covered by an exclusion ground covered by section 137(1) (2) of the Danish Procurement Act (i.e. if the tenderer has been declared bankrupt or is undergoing insolvency or winding-up proceedings etc.). Before awarding the framework agreement, the tenderer to whom Femern A/S intends to award the agreement must provide documentation concerning the information in the ESPD, cf. Section 153 of the Danish Public Procurement Act. Femern A/S has prepared the electronic ESPD for the economic operator to fill out. The electronic ESPD is available at the link set out in Section I.3. For further information on the requirements to the tender and the tender procedure please refer to the Tender Specifications available at the link set out in Section I.3).
- 4) Please note that Femern A/S cannot award the framework agreement to a tenderer if it will conflict with the prohibition stated in Article 5k, in Regulation (EU) no 833/2014 concerning restrictive measures in view of Russia's actions Femern A/S cannot award the framework agreement to destabilising the situation in Ukraine as amended by Regulation (EU) 576/2022.

VI.4. Procedures for review

VI.4.1. Review body

Official name: Klagenævnet for Udbud
Postal address: Nævnenes Hus, Toldboden 2
Town: Viborg
Postal code: 8800
Country: Denmark
E-mail: klfu@naevneshus.dk
Telephone: +45 72405600
Internet address: <https://klfu.naevneshus.dk/>

VI.4.3. Review procedure

Precise information on deadline(s) for review procedures:

Pursuant to Danish Act on The Complaints Board for Public Procurement (Act No 492 of 12.5.2010 with subsequent amendments — available at www.retsinformation.dk) § 7, the following time limits for filing a complaint apply:

- 1) 45 calendar days after the Contracting Authority has published a Contract Award Notice in the Official Journal of the European Union (with effect from the day following the publication date);
- 2) 6 months after the contracting authority has sent notification to the tenderers involved that the contracting authority has entered into the framework agreement if the notification included a short account of the relevant reasons for the decision.

The complainant must inform the Contracting Authority of the complaint in writing at the latest simultaneously with the lodge of the complaint to The Complaints Board for Public Procurement. The complainant shall state whether the complaint has been lodged in the standstill period. If the complaint has not been lodged in the standstill period, the complainant must also state whether the complainant has requested that the complaint be granted suspensive effect.

The Complaints Board for Public Procurement's own guidance note concerning complaints is available at the following internet address: <https://naevneneshus.dk/start-din-klage/klagenaevnet-for-udbud/vejledning/>

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

25/08/2023