

**Denmark-Lemvig: Railway and tramway locomotives and rolling stock and associated parts**  
**OJ S 238/2018 11/12/2018**  
**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: Midtjyske Jernbaner A/S

Postal address: Bandegårdsvej 2

Town: Lemvig

NUTS code: DK04 Midtjylland

Postal code: 7620

Country: Denmark

Contact person: Laura Stadum

E-mail: [lks@70151000.dk](mailto:lks@70151000.dk)

Telephone: +45 72211665

**Internet address(es):**

Main address: <http://www.mjba.dk/>

**I.3. Communication**

The procurement documents are available for unrestricted and full direct access, free of charge, at: <https://hjulmandkaptain.dropbinder.com/>

Additional information can be obtained from the abovementioned address

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

**I.6. Main activity**

Railway services

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**Section II: Object**

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

**II.1.1. Title**

A Negotiated Tender for Purchase of Transets to Midtjyske Jernbaner A/S

**II.1.2. Main CPV code**

34600000 Railway and tramway locomotives and rolling stock and associated parts

**II.1.3. Type of contract**

Supplies

**II.1.4. Short description**

As of December 2020, Midtjyske Jernbaner A/S will take over the responsibility for regional rail traffic on the state-owned rail line between Holstebro and Skjern.

Midtjyske Jernbaner A/S is one of the few privately owned railroad operators left in Denmark today. Midtjyske Jernbaner A/S was formed in 2008 as the result of a merger between Lemvigbanen and the former Odderbanen. Today, Odderbanen has again been segregated

and is now part of Aarhus Letbane, and as a result of this, Midtjyske Jernbaner A/S today only counts the Lemvigbanen line.

Although Midtjyske Jernbaner A/S was formed in 2008, the Lemvigbanen line goes back a long time to 1879 when the first section of the line was built. Today, Midtjyske Jernbaner A/S acts as infrastructure owner, manager and operator of the Lemvigbanen line. The line is 60 km long and runs from Vemb to Lemvig and from Lemvig to Thyborøn. Midtjyske Jernbaner is owned by Midttrafik, Lemvig Municipality, Holstebro Municipality and a number of small.

#### **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)**

34000000 Transport equipment and auxiliary products to transportation, 34610000 Rail locomotives and tenders, 34611000 Locomotives, 34612000 Locomotive tenders and cable cars, 34612100 Locomotive tenders, 34630000 Parts of railway or tramway locomotives or rolling stock; railways traffic-control equipment

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

NUTS code: DK041 Vestjylland

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

Basically, the supply comprises 4 trainsets. The trains must be operational for passenger traffic by 13.12.2020 with final delivery to Midtjyske Jernbaner no later than 31.7.2020. In addition to this, the tender material comprises an option for purchase of 2 more trainsets. However, this option is not expected to be included in the final tenders or the awarded contract. Detailed specifications for the stock to be delivered can be found in Appendix A: Technical specifications issued by Midtjyske Jernbaner, whereas the commercial conditions can be found in Appendix B: Procurement contract for the delivery of trains. Further, the tenderer must submit option prices of passenger counting system, train infotainment system and additional train sets. If any of the above are opted for during the negotiation process, the prices will be included in the total assessment.

#### **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**

Start: 15/02/2019

This contract is subject to renewal: no

#### **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:

Selection criteria:

If more than 3 applicants fulfil the suitability criteria, the best suited among these will be shortlisted allowing only 3 of these to submit an initial tender. The shortlisting will be based on an evaluation of the applicants' list of references.

As part of the application process, tenderers must submit a completed ESPD concerning suitability criteria, exclusion criteria and subcontractors, if any, consortia or other supporting enterprises.

Suitability criteria:

Personal details:

The application must provide the following information concerning the applicant's personal details:

- 1) A general description of the applicant's enterprise, including number of employees (this description can be no more than 2 A4 pages);
- 2) A support declaration, if applicable, or a consortium declaration.

Economic and financial standing:

Information and formal requirements to be met for the criteria to be observed:

- 1) Statement concerning the applicant's total turnover. The applicant's turnover for the last 3 full financial years must total no less than 100 000 000 DKK, depending on when the applicant's enterprise was formed;
- 2) Statement concerning the applicant's equity. The applicant's equity for the last 3 full financial years must total no less than 10 000 000 DKK.

This information must be submitted for each of the last 3 financial years by way of a statement. If the applicant's enterprise was formed within the last 3 financial years, the applicant must provide available information.

Technical and professional capabilities:

- 1) The applicant's references listing the most important contracts for supply of goods of a similar nature completed within the last 5 years "2013–2018". The list of references must provide information about the consignee, production time, including whether the goods were delivered on time compared with the originally agreed time schedule, a brief description of the delivered goods detailing as a minimum the size/capacity of the trainsets delivered, total number of trainsets to be delivered, if the contract for delivery included training of the buyer's train staff (train driver) and workshop personnel and the scope of such training, and whether delivery of spare parts was included. The description should preferably state production method and other relevant details.

The applicant can state a maximum of five contracts for delivery.

The list of references must provide the contact persons for each of the buyers, and statements must be enclosed where each of the buyers confirm that the contract was fulfilled and approved as flawless;

- 2) Information about and documentation certifying to which extent the applicant has effected contracts for delivery in an EU member country and certifying that these contracts comply with the relevant requirements and standards listed in section X of the tender specifications. In addition to this, information about and documentation certifying to which extent the applicant has effected similar contracts for delivery that have been approved by the Danish government authorities.

To verify the above information, the tenderer must enclose the approvals applicable to the listed contracts for delivery and in accordance with current requirements and standards in the relevant country.

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

Variants will be accepted: no

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

Options: yes

Description of options:

The tender material comprises an option for purchase of 2 more trainsets. However, this option is not expected to be included in the final tenders or the awarded contract. Further, the tenderer must submit option prices of passenger counting system, train infotainment system and additional train sets. If any of the above are opted for during the negotiation process, the prices will be included in the total assessment.

#### **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:

The application must provide the following information concerning the applicant's personal details:

- 1) A general description of the applicant's enterprise, including number of employees (this description can be no more than 2 A4 pages);
- 2) A support declaration, if applicable, or a consortium declaration.

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

List and brief description of selection criteria:

Information and formal requirements to be met for the criteria to be observed:

- 1) Statement concerning the applicant's total turnover. The applicant's turnover for the last 3 full financial years must total no less than 100 000 000 DKK, depending on when the applicant's enterprise was formed;
- 2) Statement concerning the applicant's equity. The applicant's equity for the last 3 full financial years must total no less than 10 000 000 DKK.

This information must be submitted for each of the last 3 financial years by way of a statement. If the applicant's enterprise was formed within the last 3 financial years, the applicant must provide available information.

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

List and brief description of selection criteria:

- 1) The applicant's references listing the most important contracts for supply of goods of a similar nature completed within the last 5 years "2013–2018". The list of references must provide information about the consignee, production time, including whether the goods were delivered on time compared with the originally agreed time schedule, a brief description of the delivered goods detailing as a minimum the size/capacity of the trainsets delivered, total number of trainsets to be delivered, if the contract for delivery included training of the buyer's train staff (train driver) and workshop personnel and the scope of such training, and whether delivery of spare parts was included. The description should preferably state production method and other relevant details.

The applicant can state a maximum of 5 contracts for delivery.

The list of references must provide the contact persons for each of the buyers, and statements must be enclosed where each of the buyers confirm that the contract was fulfilled and approved as flawless;

2) Information about and documentation certifying to which extent the applicant has effected contracts for delivery in an EU member country and certifying that these contracts comply with the relevant requirements and standards listed in section X of the tender specifications. In addition to this, information about and documentation certifying to which extent the applicant has effected similar contracts for delivery that have been approved by the Danish government authorities.

To verify the above information, the tenderer must enclose the approvals applicable to the listed contracts for delivery and in accordance with current requirements and standards in the relevant country.

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

List and brief description of rules and criteria:

Applicants to whom mandatory exclusion grounds apply as provided by sections 135–136 of the Danish Public Procurement Act are excluded from participating in the tender procedure.

Upon completion of the ESPD, the applicant certifies that none of the mandatory exclusion grounds apply to the applicant.

Should 1 of the mandatory exclusion grounds apply to the applicant, the contracting entity will allow the applicant to substantiate his reliability by documenting that the exclusion ground no longer applies to the applicant (self-cleaning).

### **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**

##### **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: 07/01/2019

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

Date: 10/01/2019

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

English, Danish

##### **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**

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#### **VI.1. Information about recurrence**

This is a recurrent procurement: no

#### **VI.3. Additional information**

This is an electronic tender using the dropbinder online portal. As a result of this, applications for prequalification and fulfilment of the award criteria can only be effected through dropbinder. Queries concerning use of the dropbinder portal should be directed to dropbinder ApS via the help button in the lower, right hand corner of the screen.

The tender number in the dropbinder portal is DB#000122.

For applicants with an existing dropbinder login:

- 1) Go to <https://hjulmandkaptain.dropbinder.com/>. Select “Log in” and follow the instructions;
- 2) Log in using your e-mail address and password;
- 3) Enter “000122” in the “Search bar” uppermost on the screen. Alternatively, use this deeplink <https://goo.gl/Tac6Qg>
- 4) The invitation to tender for “Negotiated tender for purchase of 4 2-carriage trainsets” will now be displayed;
- 5) Select “Register as tenderer”;
- 6) Upload the tender and select “Submit tender”. Do this before expiry of the submission deadline;
- 7) To submit queries to the contracting entity click the button “Messages” and follow the instructions.

If you have no dropbinder log in:

- 1) Go to the web address <https://hjulmandkaptain.dropbinder.com/>
- 2) Select “Sign up free” (in Danish: Tilmeld dig gratis).

If you have lost your personal user codes:

- 1) Go to the web address <https://hjulmandkaptain.dropbinder.com/>
- 2) Select “Lost password?” (In Danish: Mistet adgangskode?).

Support:

To resolve queries concerning technical aspects of managing the tender in the dropbinder portal, contact dropbinder support free of charge as follows:

- 1) Click the “Help” button in the lower, right hand corner of the screen;
- 2) To search the help database for subjects, enter keywords that describe the queries, for example: “reg-ister tenderer”;
- 3) If this does not produce text answering the query, select the “Contact us” button where you can enter: name, e-mail address, the query and attach a file or an image. Select “Send” to submit or close the query.

Applicants should take note that it is the applicant's sole responsibility to ensure access to the tender portal well in advance of and within the submission deadline and familiarise himself with the demands for submission of the application in accordance with the conditions.

Tender portal and submission:

The tender portal holds supplementary material, if any, and a set of submission requirements. In relation to dropbinder, applicants must appoint a representative to upload the materials /documents for all members of the consortium or similar if they are a consortium of companies and if the joint application comprises documentation from multiple companies.

ESPD:

Applicants are to complete and upload the ESPD (the European Single Procurement Document) to dropbinder. Applicants are to download the ESPD (XML file) from dropbinder. This XML file can only be opened via the eESPD website (<https://ec.europa.eu/growth/tools-databases/espd/welcome>). First select “I am an economic operator” and then “Import ESPD”. Next upload the XML file as submission requirement 1, which is the contracting entity’s ESPD which the applicant downloaded from dropbinder. Trying to open the XML file by double clicking it has no effect.

Further information about how to work with the ESPD can be found on: <https://ec.europa.eu/tools/espd/filter?lang=en#1>.

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

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

Official name: Klagenævnet for Udbud, Nævnenes Hus

Postal address: Toldboden 2

Town: Viborg

Postal code: 8800

Country: Denmark

E-mail: [klfu@naevneneshus.dk](mailto:klfu@naevneneshus.dk)

Internet address: <https://naevneneshus.dk/start-din-klage/klagenaevnet-for-udbud/>

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

Precise information on deadline(s) for review procedures:

Specific information about time limits for filing complaints:

Under LBK No. 593 of 2.6.2016 (the Act on the Complaints Board for Public Procurement) with later changes (the act is available on [www.retsinfo.dk](http://www.retsinfo.dk)) the following time limits apply for filing complaints:

S. 7 (2) Complaints about tenders or decisions covered by sections II or III of the Danish Act on Tenders or the Utilities Directive, which are not covered by subsection 1, must be filed with the Complaints Board for Public Procurement before:

1) 45 calendar days after the contracting entity has published a notification in the Official Journal of the European Union stating that the contracting entity has entered into a contract.

The time limit runs from the day after the day of publication of the notification;

2) 30 calendar days as from the day after the day of the contracting entity's notification to the affected tenderers, stating that a contract based on a framework agreement with reopening of the competition or a dynamic purchasing system has been made, if the notification has stated a reason for the decision;

3) 6 months after the contracting entity has entered into a framework agreement as from the day after the day of the contracting entity's notification to the affected applicants and tenderers, see S. 2 (2) or S. 171 (4) of the Act on Tenders;

4) 20 calendar days as from the day after the contracting entity has given notice of its decision, see S. 185 (2)(2) of the Act on Tenders.

S. 7 (3) If a contracting entity has observed the procedure in item 4, any complaint that the contracting entity, contrary to the public procurement directive or the utilities directive, has entered into a contract without prior publication of a tender notice in the Official Journal of the European Union, must be filed with the Complaints Board for Public Procurement within 30 calendar days as from the day after the day of the contracting entity's publication of a notification in the Official Journal of the European Union stating that the contracting entity has entered into a contract, provided such notification contains information about the reason for the contracting entity's decision to award the contract without prior publication of a tender notice in the Official Journal of the European Union.

By the filing of a complaint with the Complaints Board for Public Procurement at the latest, the complainant must inform the contracting party in writing that a complaint is filed with the Complaints Board for Public Procurement and state whether the complaint is filed during the standstill period, see S. 3 (1) of the act. In case the complaint is not filed during the standstill period, the complainant must also state whether stay of execution of the complaint is requested, see S. 12 (1) of the act.

The complaints' guidance of the Complaints Board for Public Procurement is available on [klfu.dk](http://klfu.dk).

S. 6 (4) By the filing of a complaint with the Complaint Board for Public Procurement at the latest, the complainant must inform the contracting party in writing that a complaint is filed with the Complaints Board for Public Procurement and state whether the complaint is filed during the standstill period, see S. 3 (1) or (2), or during the 10 days period stated in S. 4 (1) (2). In case the complaint is not filed during the said periods, the complainant must also state whether stay of execution is requested, see S. 12 (1).

**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](mailto:kfst@kfst.dk)

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

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

06/12/2018