

**Denmark-Copenhagen: Architectural, construction, engineering and inspection services**  
**OJ S 196/2022 11/10/2022**  
**Contract notice – utilities**  
**Services**

**Legal Basis:**

Directive 2014/25/EU

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**Section I: Contracting entity**

**I.1. Name and addresses**

Official name: Metroselskabet I/S

Postal address: Metrovej 5

Town: København

NUTS code: DK01 Hovedstaden

Postal code: 2300

Country: Denmark

Contact person: Vibeke Jessen

E-mail: [vij@m.dk](mailto:vij@m.dk)

**Internet address(es):**

Main address: [www.metroelskabet.dk](http://www.metroelskabet.dk)

**I.3. Communication**

The procurement documents are available for unrestricted and full direct access, free of charge, at: [https://app.byggeprojekt.dk/public/1856-M5\\_Oesthavn\\_Consultancy\\_Contract,\\_EIA,\\_Civil\\_works\\_design\\_and\\_utilities](https://app.byggeprojekt.dk/public/1856-M5_Oesthavn_Consultancy_Contract,_EIA,_Civil_works_design_and_utilities)

Additional information can be obtained from the abovementioned address

Tenders or requests to participate must be submitted electronically via: [https://app.byggeprojekt.dk/public/1856-M5\\_Oesthavn\\_Consultancy\\_Contract,\\_EIA,\\_Civil\\_works\\_design\\_and\\_utilities](https://app.byggeprojekt.dk/public/1856-M5_Oesthavn_Consultancy_Contract,_EIA,_Civil_works_design_and_utilities)

**I.6. Main activity**

Recreation, culture and religion

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**Section II: Object**

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

**II.1.1. Title**

Østhavn Metro line, Consultancy Environmental Impact Assessment (EIA), Concept- and Reference Design

**II.1.2. Main CPV code**

71000000 Architectural, construction, engineering and inspection services

**II.1.3. Type of contract**

Services

**II.1.4. Short description**

Østhavn M5 is a new metro line that will connect the new city development areas to the east of Copenhagen, including Lynetteholmen, Refshaleøen and Kløverparken with the existing city and transport network. Currently, there are 2 possible main scenarios for the alignment of M5. M5 Orange via Amagerbrogade– from København Hovedbanegård (Kh) to Lynetteholm via Amager, with possibilities to extend to Østerport (KK) or Nordhavn. M5 Purple from Lynetteholm to Prags Boulevard Øst via Kk, Kh and following the same alignment than M5 Orange between Kh and Prags Boulevard ØstAmager.

Currently, Metroselskabet is awaiting a decision in regards to which of the two possible lines will be preferred. Thus, the contract is procured in two (2) lots (Lot 1: M5 Orange, Lot 2: M5 Purple). Once the political decision on which line to move forward has been made, Metroselskabet will cancel the lot not chosen, please refer to section II.2.4) and section VI. 3.6).

#### **II.1.5. Estimated total value**

#### **II.1.6. Information about lots**

This contract is divided into lots: yes  
Tenders may be submitted for all lots

### **II.2. Description**

#### **II.2.1. Title**

M5 Orange (Østhavn Metro line, Consultancy Environmental Impact Assessment (EIA), Civil Works Concept and Reference Design\_M5 Orange  
Lot No: 1

#### **II.2.2. Additional CPV code(s)**

71000000 Architectural, construction, engineering and inspection services, 71300000 Engineering services, 71310000 Consultative engineering and construction services, 71330000 Miscellaneous engineering services, 71311000 Civil engineering consultancy services, 71311200 Transport systems consultancy services, 71311230 Railway engineering services, 71313400 Environmental impact assessment for construction, 71317200 Health and safety services, 71313000 Environmental engineering consultancy services

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

NUTS code: DK01 Hovedstaden  
Main site or place of performance: Copenhagen

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

The new metro line M5 Østhavn will connect the new city development areas to the east of Copenhagen including Lynetteholmen, Refshaleøen and Kløverparken with the existing city and transport network.

The project is divided into five phases:

Phase 1: Programme study (already completed)

Phase 2.1: Conceptual design (civil works) and EIA (this contract notice)

Phase 2.2: Reference design and production of construction contract documents (this contract notice)

Phase 3: Procurement and contracting (this contract notice)

Phase 4: Follow-up during the construction phase (Option 1, please refer to section II.2.11)

The main construction contract will be procured as a 'Design and Build' contract based on the reference design made by the consultant. There may also be further smaller construction contracts that are procured as construct only based on the consultants detailed design, for example advanced works.

The consultancy services consist of (the list is not exhaustive):

-EIA

-Design Management

-ICT Management

-Conceptual Design,

-Reference Design

-Develop and prepare the requirements for the construction contractor

-Prepare procurement strategy for the construction contract

-Development of BIM- model for all infrastructure elements

-Develop and prepare requirements for the contractors use of the BIM model

-Be in charge of the innovation process, develop idea-catalogue, prepare basis for decisions, time schedule etc.

-Prepare basis for decisions in regards, to the technical aspects of the project, e.i in regards to the innovation process, technical solutions, sustainability etc.

-Assistance to Metroselskabet during construction (option, please refer to section II.2.11)

Furthermore, the contract includes services such as preparation of reports, cost calculations, scheduling, produce drawings, 3D model files etc.

The design must include development of BIM models for all infrastructure elements in accordance with the requirements defined in the tender material. Metroselskabet has high ambitions in regards to BIM, and the consultant is expected to have a high level of experience and knowledge regarding BIM. In addition, Metroselskabet intends to collaborate with the consultant by using BIM/GIS, which also requires experiences working with BIM/GIS. Metroselskabet encourages the applicants to consider the requirements for the BIM services very carefully and if needed teaming up with specialists in working with BIM as sub-consultants.

During the design process the consultant must have a high focus on safety and the possible implications of their design. In addition, Metroselskabet has a high focus on minimizing the CO2 footprint, and the consultant is expected to develop an idea-catalogue as well as considering the possibilities identified by Metroselskabet for the design.

Innovation must be an integrated part of the design process. The process shall not only consider ideas already identified but also generate new ideas. Metroselskabet encourages the applicants to consider the innovation process very carefully and if needed consider teaming up with specialists in innovation processes as sub-consultants.

Metroselskabet strongly expects a decision on which alignment to be taken forward will be made during Q1 2023. If the decision on which alignment to move forward has not yet made when the deadline for submission of final tender response expires, the contract will not be awarded until such a political decision has been made. Metroselskabet reserves the right to purchase EIA for the not chosen line from the winning tenderer. Payment for the additional EIA will be negotiated based on the hourly rates offered by the winning tenderer. After completion of the EIA for both M5 Orange and M5 Purple, (if relevant) Metroselskabet reserves the right to exchange the originally chosen Metro line for the new chosen Metro line (phase 2.2, 3 and 4 (option)). Please refer to the tender documentation for further details.

#### **II.2.5. Award criteria**

Criteria below

Quality criterion - Name: Process / Weighting: 30

Quality criterion - Name: Organisation and key personnel / Weighting: 40

Cost criterion - Name: Price / Weighting: 30

#### **II.2.6. Estimated value**

Value excluding VAT: 207 000 000,00 DKK

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

Duration in months: 140

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

If more than 4 applicants fulfill the minimum requirements, see Section III.1.2), the selection of the applicants who will be invited to participate in the competitive dialogue will be based on an overall assessment of which applicants have documented the most relevant experience similar to the services covered by the procured contract, c.f. Section II.1.4), II.2.4) and II.2.6). With “similar” services Metroselskabet understands projects of similar economical size, complexity and nature of services. In addition Metroselskabet will place emphasis on the below mentioned criteria per reference category.

The reference categories:

Category 1: EIA

Category 2: Design

Category 3: Innovation and sustainability

Category 4: BIM

Metroselskabet will place emphasis on the following per reference category:

Category 1 (EIA):

Experiences with analyzing UNSGs in relation to EIA

Experiences with EIA in dense urban area

Experiences with local regulations and local practices for the preparing an EIA

Experiences with EIA for infrastructure projects

Category 2: (Design):

Experiences and competences in developing concept and reference design in similar projects

Experiences in developing contract requirements for construction contracts in similar projects,

Experiences with developing procurement strategy

Experiences as lead consultant for similar projects,

Experiences with project management for similar projects

Experiences with safe in design in concept- and reference design

Category 3:(Innovation and sustainability)

Experiences with specifying and implementing sustainable initiatives in similar projects,

Experiences with initiatives reducing carbon footprint, LCA and LCC calculations

Experiences with documenting sustainable initiatives such as reducing carbon footprint etc.

Experiences with planning and carrying out innovation processes,

Category 4: (BIM)

Experiences working with GIS and BIM/3D designing in projects of a similar scope and of similar services (infrastructure projects) and collaborating in the BIM model

Experiences with ICT management and project management as discipline lead

Experiences with ISO19650-1 and ISO19650-2 or similar.

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

Variants will be accepted: no

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

Options: yes

Description of options:

Option 1: Consultancy to Metroselskabet during construction phase (phase 4). The option consists of consultancy services to Metroselskabet during the construction phase, such as review of design, assessment of design solutions suggested by the contractor etc., follow up on BIM requirements etc. Please refer to M5-MS-ØHA-CNS-CWEIA-TEN-DO-005 Project and Work Description.

### **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**

Ad II.2.6) It is a large scale project (irrespective of lot 1 or lot 2 is chosen) and there is a high degree of uncertainty in relation to the contract value.

## **II.2. Description**

### **II.2.1. Title**

M5 Purple (Østhavn Metro line, Consultancy Environmental Impact Assessment (EIA), Civil Works Concept and Reference Design\_M5 Purple)  
Lot No: 2

### **II.2.2. Additional CPV code(s)**

71000000 Architectural, construction, engineering and inspection services, 71300000 Engineering services, 71310000 Consultative engineering and construction services, 71330000 Miscellaneous engineering services, 71311000 Civil engineering consultancy services, 71311200 Transport systems consultancy services, 71311230 Railway engineering services, 71313400 Environmental impact assessment for construction, 71317200 Health and safety services, 71313000 Environmental engineering consultancy services

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

NUTS code: DK01 Hovedstaden

Main site or place of performance: Copenhagen

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

The new metro line M5 Østhavn will connect the new city development areas to the east of Copenhagen including Lynetteholmen, Refshaleøen and Kløverparken with the existing city and transport network.

The project is divided into five phases:

Phase 1: Programme study (already completed)

Phase 2.1: Conceptual design (civil works) and EIA (this contract notice)

Phase 2.2: Reference design and production of construction contract documents (this contract notice)

Phase 3: Procurement and contracting (this contract notice)

Phase 4: Follow-up during the construction phase (Option 1, please refer to section II.2.11)

The main construction contract will be procured as a 'Design and Build' contract based on the reference design made by the consultant. There may also be further smaller construction contracts that are procured as construct only based on the consultants detailed design, for example advanced works.

The consultancy services consist of (the list is not exhaustive):

- EIA
  - Design Management
  - ICT Management
  - Conceptual Design,
  - Reference Design
  - Develop and prepare the requirements for the construction contractor
  - Prepare procurement strategy for the construction contract
  - Development of BIM- model for all infrastructure elements
  - Develop and prepare requirements for the contractors use of the BIM model
  - Be in charge of the innovation process, develop idea-catalogue, prepare basis for decisions, time schedule etc.
  - Prepare basis for decisions in regards, to the technical aspects of the project, e.i in regards to the innovation process, technical solutions, sustainability etc.
  - Assistance to Metroselskabet during construction (option, please refer to section II.2.11)
- Furthermore, the contract includes services such as preparation of reports, cost calculations, scheduling, produce drawings, 3D model files etc.

The design must include development of BIM models for all infrastructure elements in accordance with the requirements defined in the tender material. Metroselskabet has high ambitions in regards to BIM, and the consultant is expected to have a high level of experience and knowledge regarding BIM. In addition, Metroselskabet intends to collaborate with the consultant by using BIM/GIS, which also requires experiences working with BIM/GIS. Metroselskabet encourages the applicants to consider the requirements for the BIM services very carefully and if needed teaming up with specialists in working with BIM as sub-consultants.

During the design process the consultant must have a high focus on safety and the possible implications of their design. In addition, Metroselskabet has a high focus on minimizing the CO2 footprint, and the consultant is expected to develop an idea-catalogue as well as considering the possibilities identified by Metroselskabet for the design.

Innovation must be an integrated part of the design process. The process shall not only consider ideas already identified but also generate new ideas. Metroselskabet encourages the applicants to consider the innovation process very carefully and if needed consider teaming up with specialists in innovation processes as sub-consultants.

Metroselskabet strongly expects a decision on which alignment to be taken forward will be made during Q1 2023. If the decision on which alignment to move forward has not yet made when the deadline for submission of final tender response expires, the contract will not be awarded until such a political decision has been made. Metroselskabet reserves the right to purchase EIA for the not chosen line from the winning tenderer. Payment for the additional EIA will be negotiated based on the hourly rates offered by the winning tenderer. After completion of the EIA for both M5 Orange and M5 Purple, (if relevant) Metroselskabet reserves the right to exchange the originally chosen Metro line for the new chosen Metro line (phase 2.2, 3 and 4 (option)). Please refer to the tender documentation for further details.

#### **II.2.5. Award criteria**

Criteria below

Quality criterion - Name: Process / Weighting: 30

Quality criterion - Name: Organisation and key personnel / Weighting: 40

Cost criterion - Name: Price / Weighting: 30

#### **II.2.6. Estimated value**

Value excluding VAT: 345 000 000,00 DKK

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

Duration in months: 140

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

If more than 4 applicants fulfill the minimum requirements, see Section III.1.2), the selection of the applicants who will be invited to participate in the competitive dialogue will be based on an overall assessment of which applicants have documented the most relevant experience similar to the services covered by the procured contract, c.f. Section II.1.4), II.2.4) and II.2.6). With “similar” services Metroselskabet understands projects of similar economical size, complexity and nature of services. In addition Metroselskabet will place emphasis on the below mentioned criteria per reference category.

The reference categories:

Category 1: EIA

Category 2: Design

Category 3: Innovation and sustainability

Category 4: BIM

Metroselskabet will place emphasis on the following per reference category:

Category 1 (EIA):

Experiences with analyzing UNSGs in relation to EIA

Experiences with EIA in dense urban area

Experiences with local regulations and local practices for the preparing an EIA

Experiences with EIA for infrastructure projects

Category 2: (Design):

Experiences and competences in developing concept and reference design in similar projects

Experiences in developing contract requirements for construction contracts in similar projects,

Experiences with developing procurement strategy

Experiences as lead consultant for similar projects,

Experiences with project management for similar projects

Experiences with safe in design in concept- and reference design

Category 3:(Innovation and sustainability)

Experiences with specifying and implementing sustainable initiatives in similar projects,

Experiences with initiatives reducing carbon footprint, LCA and LCC calculations

Experiences with documenting sustainable initiatives such as reducing carbon footprint etc.

Experiences with planning and carrying out innovation processes,

Category 4: (BIM)

Experiences working with GIS and BIM/3D designing in projects of a similar scope and of similar services (infrastructure projects) and collaborating in the BIM model

Experiences with ICT management and project management as discipline lead

Experiences with ISO19650-1 and ISO19650-2 or similar.

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

Variants will be accepted: no

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

Options: yes

Description of options:

Option 1: Consultancy to Metroselskabet during construction phase (phase 4). The option consists of consultancy services to Metroselskabet during the construction phase, such as

review of design, assessment of design solutions suggested by the contractor etc., follow up on BIM requirements etc. Please refer to M5-MS-ØHA-CNS-CWEIA-TEN-DO-005 Project and Work Description.

#### **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**

Ad II.2.6) It is a large scale project (irrespective of lot 1 or lot 2 is chosen) and there is a high degree of uncertainty in relation to the contract value.

### **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:

The applicant must submit a completed version of the European Single Procurement Document for each of the lots (ESPD, including Part IV), section B, including the following:  
Equity for the last 3 available financial year

The information regarding the financial capacity of the applicant must be submitted in the ESPD.

If an application for prequalification is submitted by a consortium or joint venture, an ESPD containing the above mentioned financial and economic information must be submitted for each participant in the consortium or joint venture. Information on equity should also be submitted in a separate ESPD for the supporting entity on whom the applicant relies economically and financially. If the applicant relies on supporting entity (or entities) to meet the minimum requirement for equity, the equity for the supporting entity should be submitted. The equity for the applicant and the supporting entity will be added and the combined equity for the applicant and the supporting entity must be positive in the last 3 available financial years, c.f. the minimum requirement below.

If the applicant is a consortium or joint venture the total equity for the consortium/joint venture must be positive in the last 3 available financial years, c.f. the minimum requirement below.

If the applicant relies on another economic entity (supporting entity) for fulfillment of the economic and financial requirements, the supporting entity must submit a declaration of support. Template for declaration of support is included in the tender documentation. Please refer to M5-MS-ØHA-CNS-CWEIA-TEN-DO-003-001 Declaration of Support.

Minimum level(s) of standards possibly required:

Positive equity within the last 3 available financial year

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

List and brief description of selection criteria:

An application for prequalification may include up to a maximum of 12 references per lot, which Metroselskabet will use as basis for the selection of the limited number of applicants to be invited to be part of the competitive dialogue, c.f. section II.2.9) above. If an applicant includes more than 12 references per lot, Metroselskabet will only assess the 12 newest (in years) references. The references may be submitted in the ESPD or in a separate sheet. The applicant is encouraged to use the same references for both lots. The applicant may, instead of completing two (2) identical ESPD, complete 1 ESPD and submit a written statement that the application for prequalification covers both lots. For template for written statement please

refer to M5-MS-ØHA-CNS-CWEIA-TEN-DO-003-004 Statement of Identical ESPDs for Both Lots.

All references, despite the category should include the following:

- Name and contact information of the client
- Short description of the project
- Start date and date of completion (handover (contractor) for the project)
- Description of the services performed by the applicant in relation to the specific project
- The role and responsibility of the applicant, e.g. if the applicant was discipline lead, lead consultant, sub-consultant, specialist etc.
- Fee for the specific services delivered by the applicant
- The construction costs of the project
- Description of the collaboration with other consultants on the projects
- Description of possible Early Contract Involvement (ECI).

Category 1 references should also include:

Experiences with similar services regarding EIA

Experiences as discipline lead

Experiences with all elements of the EIA process

Experiences in EIA for infrastructure projects

Experiences of EIA in dense urban areas

Category 2 references should also include:

Experiences with services in similar projects as the procured contract (concept design, reference design, construction contract, procurement of construction contracts

Category 3 references should also include:

Experience with integrating sustainability and especially reductions of lifecycle carbon footprint, closely into the design work of each discipline

Experiences with planning and carrying out innovation processes

Experiences with safe in design

Experiences with initiatives reducing carbon footprint

Experiences with LCC and LCA calculations.

Experiences with how to document sustainable initiatives

Category 4 references should also include:

Experiences with GIS and BIM modelling in projects of similar projects throughout concept and reference design.

Experiences with BIM collaboration environment.

Preferred experience with ISO19650-2 or similar.

Experiences with developing EIR for construction contracts.

Each reference must not exceed 4 A4-pages. If a reference exceeds more than 4 A4-pages Metroselskabet will disregard any pages above 4 A4-pages. The references may not be older than 5 years, counting from the date for handover of the construction project. Ongoing projects may be used as references if the contractor has started the construction on site. Only parts performed at the time of application for prequalification will be taken into account.

If an application for prequalification is submitted by a consortium or joint venture, each of the participants in the joint venture or consortium must submit an ESPD containing the information described above. If an applicant relies on another economic entity (supporting entity) for fulfillment of the technical and professional requirements, the supporting entity must submit a declaration of support. Template for declaration of support is included in the tender documentation. Please refer to M5-MS-ØHA-CNS-CWEIA-TEN-DO-003-01 Declaration of Support.

Minimum level(s) of standards possibly required:

For each category 1-4 the applicant must submit the following number of references:

- Category 1: EIA - minimum three (3) references
- Category 2: Design - minimum three (3) references
- Category 3: Innovation and sustainability - minimum two (2) references
- Category 4: BIM - minimum two (2) references

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

List and brief description of rules and criteria:

The applicant shall complete and submit the ESPD, which serves as preliminary evidence of the conditions for participation in the tender procedure, including the grounds for exclusion. References may be submitted in a separate document. However, the title/name of each reference must be stated in the ESPD.

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

Please refer to the tender documentation for information regarding payment arrangement

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

If a consortium or joint venture is awarded the contract, the consortium or joint venture must have joint and several liability. Please refer to M5-MS-ØHA-CNS-CWEIA-TEN-DO-003-002 Declaration Consortium.

### **III.2. Conditions related to the contract**

#### **III.2.2. Contract performance conditions**

The contract is based on ABR18 with Metroselskabets deviations and amendments, please refer to M5-MS-ØHA-CNS-CWEIA-TEN-DO-005 Contract.

Metroselskabet's code of conduct must be adhere to. The consultant is obliged to support the ten principles of the UN Global Compact containing universally accepted standards for human rights, labour rights, environment and anti-corruption, please refer to M5-MS-ØHA-CNS-CWEIA-TEN-DO-005-001 Code of Conduct.

With reference to please refer to M5-MS-ØHA-CNS-CWEIA-TEN-DO-005 Contract section 4.2 and 4.3 for a description of the regulation of fee if Metroselskabet, after signing of the contract, choses to purchase EIA for both M5 Orange and M5 Purple.

## **Section IV: Procedure**

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### **IV.1. Description**

#### **IV.1.1. Type of procedure**

Competitive dialogue

#### **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.2.1. Previous publication concerning this procedure**

Notice number in the OJ S: [2022/S 047-123215](#)

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

Date: 08/11/2022 Local time: 14:00

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

Date: 18/11/2022

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

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**

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#### **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**

The application for prequalification must be submitted via Byggeprojekt.

Questions during the prequalification must be submitted by using the question/answer function in Byggeprojekt. Questions should be submitted no later than 26th of October 2022.

Metroselskabet will no later than 31st. of October 2022 release the answers.

Ad II.1.6) Applicants must submit application for prequalification for both lots. Please refer to III.1.2) and III.1.3).

Ad IV.2.6) The validity of the final tender must be 6 month calculated from the deadline for submission of final tender.

Ad III.1.4) Metroselskabet must exclude applicants from participation in the procurement if the applicant is covered by the mandatory grounds for exclusion in the Danish Procurement Act section 134A-136. Please, notice that some of the voluntary grounds for exclusion are made mandatory by section 136. Furthermore, Metroselskabet will exclude applicants, if the applicant is covered by ground for exclusion section 137, sub-section 1, no 1, no. 2, and no. 3. Please be aware of regulation 2022/576 of 8.th of April 2022, article 5k, by which public entities are not allowed to enter into contract with certain suppliers and individuals with connections to Russia. As part of the application the applicant must submit a declaration regarding sanctions against Russia. Please, refer to M5-MS-ØHA-CNS-CWEIA-TEN-DO-003-003 Declaration Sanctions Against Russia.

Metroselskabet will request documentation for the information given in the ESPD. The documentation will be requested at the time of debriefing of the applicants for the prequalification. Metroselskabet will request the following documentation:

Economic and financial standing:

Auditor´s report of the applicants financial standing

Technical and professional ability:

No documentation will be required.

Grounds for exclusion, except section 137, no.3:

For applicant registered in Denmark, a Serviceattest will be sufficient documentation. For applicants registered outside Denmark, please refer to <https://ec.europa.eu/tools/ecertis/#/homePage> for information on sufficient documentation for the mandatory and voluntary grounds for exclusion.

Grounds for exclusion, section 137 no 3:

If the applicant is a consortium/joint venture etc. a description of the composition of the consortium/joint venture must be submitted as part of the documentation. Furthermore, an assessment made by an external legal adviser, documenting that the consortium/joint venture does not constitute an infringement of the Danish Competition Regulations (LBK no 360 of 04 /03/2021).

Metroselskabet uses the competitive dialogue procedure, c.f. Utilities Directive article 48 as procurement procedure. Metroselskabet has assessed that it is necessary to obtain the tenderers input and suggestions for the final tender documentation especially in regards, to the innovation process, the EIA and the digital requirements.

Metroselskabet intends to use the competitive dialogue procedure in order, to define and decide upon solution regarding technical issues and contractual issue such as:

- Reducing the CO2 foot print and building a sustainable metro in construction and in operation
- Developing the EIA structured around UNSDGs
- Developing the BIM requirements and collaboration using the BIM model
- Defining an innovation process with focus on sustainability from concept design to operation of the new metro line.

All parts of the tender documentation can be included in the dialogue phase, including the requirements for the services, schedule, terms of the contract etc.

Tenderers who submit a final compliant tender will receive DKK 300.000,00 in fee for participation in the competitive dialogue. The tenderer awarded the consultancy contract will not be eligible for fee for participation.

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

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

Official name: Danish Board of Complaints  
Postal address: Nævnenes Hus, Toldboden 2  
Town: Viborg  
Postal code: 8800  
Country: Denmark  
E-mail: [klfu@naeveneshus.dk](mailto:klfu@naeveneshus.dk)  
Telephone: +45 72405600  
Internet address: [www.naeveneshus.dk](http://www.naeveneshus.dk)

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

Precise information on deadline(s) for review procedures:

In accordance with the act on the Complaint Board for Public Procurement, appeals regarding failure to become pre-qualified shall be submitted to the Complaint Board for Public Procurements within 20 calendar days, counting from the date after issue of notification to applicants regarding which applicants have been pre-qualified, cf. Section 2 (1) of the Act, if this notification includes a brief account of the relevant reasons for the decision. Other appeals must be submitted to the Complaint Board for Public Procurement within 45 calendar days after publication of announcements on a concluded contract in the Official Journal of the European Union.

##### **VI.4.4. Service from which information about the review procedure may be obtained**

Official name: Competition and Consumer Agency  
Postal address: Carl Jakobsens Vej 35  
Town: Valby  
Postal code: 2500  
Country: Denmark

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

Telephone: +45 41715000

Internet address: [www.kfst.dk](http://www.kfst.dk)

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

06/10/2022