

Denmark-Copenhagen: Repair, maintenance and associated services related to personal computers, office equipment, telecommunications and audio-visual equipment

OJ S 198/2023 13/10/2023

Contract notice – utilities

Services

Legal Basis:

Directive 2014/25/EU

Section I: Contracting entity

I.1. Name and addresses

Official name: Banedanmark

National registration number: 18632276

Postal address: Carsten Niebuhrs Gade 43

Town: København V

NUTS code: DK0 Danmark

Postal code: 1577

Country: Denmark

Contact person: Louise Rathleff Jensen

E-mail: LRJS@BANE.dk

Telephone: +45 50419042

Internet address(es):Main address: <https://www.bane.dk/>Address of the buyer profile: <https://eu.eu-supply.com/ctm/Company/CompanyInformation/Index/340853>**I.1. Name and addresses**

Official name: A/S Storebæltsforbindelsen

National registration number: 10 63 49 70

Postal address: Vester Søgade 10

Town: København V

NUTS code: DK0 Danmark

Postal code: 1601

Country: Denmark

E-mail: cyl@sbf.dk**Internet address(es):**Main address: <https://sundogbaelt.dk/om-os/organisering-og-ledelse/a-s-storebaelt/>**I.1. Name and addresses**

Official name: A/S Øresundsforbindelsen

National registration number: 15 80 78 30

Postal address: Vester Søgade 10

Town: København V

NUTS code: DK0 Danmark

Postal code: 1601

Country: Denmark

E-mail: cyl@sbf.dk**Internet address(es):**

Main address: <https://sundogbaelt.dk/om-os/organisering-og-ledelse/a-s-oresund/>

I.1. Name and addresses

Official name: Femern bælt A/S
National registration number: 28986564
Postal address: Vester Søgade 10
Town: København V
NUTS code: DK0 Danmark
Postal code: 1601
Country: Denmark
E-mail: kmc@femern.dk
Internet address(es):
Main address: <https://femern.com>

I.1. Name and addresses

Official name: A/S Femern Landanlæg
National registration number: 32567967
Postal address: Vester Søgade 10
Town: København V
NUTS code: DK0 Danmark
Postal code: 1601
Country: Denmark
E-mail: cyl@sbfdk.dk
Internet address(es):
Main address: <https://sundogbaelt.dk/om-os/organisering-og-ledelse/a-s-femern-landanlaeg/>

I.1. Name and addresses

Official name: NJ Holding Nordjylland A/S
National registration number: 26 13 93 25
Postal address: Skydebanevej 1B
Town: Hjørring
NUTS code: DK0 Danmark
Postal code: 9800
Country: Denmark
E-mail: nj@nj.dk
Internet address(es):
Main address: <https://nj.dk/>

I.1. Name and addresses

Official name: Midtjyske Jernbaner A/S
National registration number: 64 64 00 11
Postal address: Banegårdsvej 2
Town: Lemvig
NUTS code: DK0 Danmark
Postal code: 7620
Country: Denmark
E-mail: administration@mjba.dk
Internet address(es):
Main address: <https://mjba.dk/>

I.1. Name and addresses

Official name: Vestbanen A/S

National registration number: 35 60 63 19

Postal address: Østergade 17, 1.

Town: Oksbøl

NUTS code: DK0 Danmark

Postal code: 6840

Country: Denmark

E-mail: jkoe@vestbanen.dk

Internet address(es):

Main address: <http://vestbanen.dk/>

I.1. Name and addresses

Official name: Lokaltog A/S

National registration number: 26 15 90 40

Postal address: Jættevej 50

Town: Ringsted

NUTS code: DK0 Danmark

Postal code: 4100

Country: Denmark

E-mail: post@lokaltog.dk

Internet address(es):

Main address: <https://www.lokaltog.dk/>

I.1. Name and addresses

Official name: Øresundsbro konsortiet I/S

National registration number: 24246787

Postal address: Kay Fiskers Plads 10, 6.

Town: København S

NUTS code: DK0 Danmark

Postal code: 2300

Country: Denmark

E-mail: rsu@oresundsbron.com

Internet address(es):

Main address: <https://www.oresundsbron.com/da/private>

I.2. Information about joint procurement

The contract involves joint procurement

I.3. Communication

Access to the procurement documents is restricted. Further information can be obtained at:

http://eu.eu-supply.com/app/rfq/rwlenrance_s.asp?PID=379443&B=BANEDANMARK

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/rwlenrance_s.asp?PID=379443&B=BANEDANMARK

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

I.6. Main activity

Other activity: Railway transport services and Infrastructure Manager/ Infrastructure Owner

Section II: Object

II.1. Scope of the procurement

II.1.1. Title

Contract regarding Operation and Maintenance of GSM-R
Reference number: 2023-10988

II.1.2. Main CPV code

50300000 Repair, maintenance and associated services related to personal computers, office equipment, telecommunications and audio-visual equipment

II.1.3. Type of contract

Services

II.1.4. Short description

The scope of this tender is operation and maintenance of the GSM network based on Nokia equipment. The main services are:

- A) Transition in including knowledge transfer from incumbent supplier
- B) Operation including onsite repair
- C) Preventive Maintenance on equipment, masts and facilities
- D) Warehouse Services including management of spare part stock

II.1.5. Estimated total value

Value excluding VAT: 212 000 000,00 DKK

II.1.6. Information about lots

This contract is divided into lots: no

II.2. Description

II.2.2. Additional CPV code(s)

32510000 Wireless telecommunications system, 32522000 Telecommunications equipment, 32523000 Telecommunications facilities, 32524000 Telecommunications system, 50312310 Maintenance of data network equipment, 50330000 Maintenance services of telecommunications equipment, 50331000 Repair and maintenance services of telecommunications lines, 50332000 Telecommunications-infrastructure maintenance services , 50334400 Communications system maintenance services, 51300000 Installation services of communications equipment, 64200000 Telecommunications services, 64210000 Telephone and data transmission services

II.2.3. Place of performance

NUTS code: DK0 Danmark

Main site or place of performance: Denmark

II.2.4. Description of the procurement

I. Background and Purpose:

Banedanmark is an agency under the Ministry of Transport in Denmark. Banedanmark is responsible for maintaining, renewing and expanding the railway so that the railway has a condition and capacity to meet the current and future needs for running trains. Banedanmark operates a 3476 km & 300 station railway network with a complex data & telecommunications network enabling connectivity of operational technical railway systems.

Banedanmark's GSM network is based on the GSM-R standard which is an international wireless communications standard for railway communication and applications built on GSM technology. Purpose of this tender is to ensure a stable operation of the GSM-R network during the term of the contract.

II. Current setup

The current scope is that the Supplier must provide operation and maintenance of the GSM network based on Nokia, which includes:

- More than 400 sites, consisting of masts, foundations, antennas, mast brackets and antenna cabling, couplers, amplifiers, cabinets and grounding.
- BSC's and BTS's
- MSC
- IN Switch
- Dispatcher Switch
- Voice recording equipment
- Servers and databases
- GPRS
- Dispatcher workstations (approx. 75 in the whole country)

III. Main services

The main services are the following:

- A) Transition in
- B) Operation
- C) Preventive Maintenance
- D) Warehouse Service

and embedded in these GSM-R network specific services are standard services like reporting, status meetings, documentation and more.

Ad main service A):

The purpose of transition in is to enable the Supplier to take over responsibility for the supply of Operation, Preventive Maintenance and Warehouse Services. Part of this will be knowledge transfer from incumbent supplier. It is essential to the Customer that Transition In is implemented with the least possible interruptions to the Customer's business activities.

Ad main service B):

The Supplier shall operate the entire GSM-R network including hardware, operating systems, databases and other middleware and applications. Operation shall be performed in accordance with manufacturer instructions and system documentation provided by Customer. The Supplier shall troubleshoot and subsequently remediate faults in the GSM-R network in accordance with incident priority and service levels. SIM card administration is also a part of this service. Railway safety procedures and IT security requirements are embedded in this service.

Ad main service C):

The Supplier shall ensure that the GSM-R network is always maintained in accordance with the customers applicable standards, manufacturers recommendations and Best Practices. This means that the GSM-R network must be periodically inspected by the Supplier during the operational phase. Through preventive maintenance, the supplier shall ensure remediation of defects and other conditions that may or will cause operational disruptions or adversely impact the GSM-R network in the short or long term. Railway safety procedures and IT security requirements are embedded in this service.

Ad main service D):

Warehouse services shall be provided by the Supplier and this is to ensure rapid response, rectification of hardware defects, etc. in the GSM-R network. The Supplier shall as part of the warehouse services provide necessary warehouse facilities for Customer spare part stock and handle all tasks and matters related to this including registration of hardware, inventory management, reporting, audit, RMA, and assistance with purchase of additional hardware.

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: 212 000 000,00 DKK

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

Duration in months: 60

This contract is subject to renewal: yes

Description of renewals:

The Contract can be renewed 3 times up to 12 months; however, minimum 6 months.

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:

The shortlisting of candidates invited to tender will be based on an evaluation of which candidates have documented the most relevant services, see section III.1.3), of the main services covered by the Contract, see the description in sections II.1.4) and II.2.4).

The evaluation of the most relevant services will be made on the basis of the extent to which the references document experience with services and deliverables, which are comparable with the main services covered by the Contract.

In the evaluation of which candidates have documented the most relevant services of comparable services, the contracting entity will award each candidate points on a scale from 1-5 for each main service specified in section II.2.4), based on the extent to which the references combined document experience with delivery of services, which are comparable with the main services covered by the Contract. On that basis, each candidate is given an overall score calculated as the average points awarded for the main services.

II.2.10. Information about variants

Variants will be accepted: no

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: no

II.2.14. Additional information

Ad I.2) should be noted that it is a joint invitation to tender. BDK is the contract holder and enters into the contract on behalf of the other contracting entities listed in I.1), who via BDK can purchase services under the contract.

Ad III.2.2) The Contract contains railway safety requirements. In certain situations, the supplier /subcontractors must comply with DS21001 or equivalent.

Section III: Legal, economic, financial and technical information

III.1. Conditions for participation

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:

The candidate's equity in the latest financial year available

The candidate's total annual turnover in the three latest financial years available

If the candidate relies on the economic and financial capacity of other entities in relation to fulfilment of the minimum requirements, see below, the contracting entity will require the candidate and the entities in question to 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 award decision 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.

Upon the contracting entity's request, the following documentation of economic and financial capacity must be submitted:

The operator's balance sheets or extracts from balance sheets in the most recent annual report /financial statement available if publication of the balance sheets is required under law in the country in which the operator is established, or other documentation of the size of the equity. For groups of operators (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 an operator 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.

A statement regarding the operator's total turnover 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 operators (e.g. a consortium), the information in the three most recent annual reports/financial statements available must be submitted for each participating operator in the group. Where an operator 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.

Minimum level(s) of standards possibly required:

As a minimum requirement, a positive equity is required in the most recent annual report /financial statement available. If the candidate relies on the capacities of other entities, the equity is to be calculated as the total equity of the operator and such other entities for the last financial year available. For groups of operators (e.g. a consortium), the equity is calculated as the total equity of the operators in the most recent annual report/financial statement available. The information is to be stated in section IV.B of the ESPD.

As a minimum requirement, a total annual turnover of at least DKK 40 million is required in each of the three latest annual reports/financial statements available. If the candidate relies on the capacities of other entities, the turnover is to be calculated as the total turnover of the candidate and such other entities in each of the three latest annual reports/financial statements available. For groups of operators (e.g. a consortium), the turnover is calculated as the total turnover of the operators in each of the three latest annual reports/financial statements available. The information is to be stated in section IV.B of the ESPD.

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 the 5 most significant comparable services, see sections II.1.4) and II.2.4), that the candidate has carried out in the last 3 year(s) before the expiry of the application deadline.

Only references relating to services 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) and in the evaluation of whether the minimum requirements in respect of technical and professional capacity have been complied with, see below. Hence, in the case of an ongoing task, only the part of the services 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. The description of the delivery should include a clear description of the services set out in sections II.1.4) and II.2.4) to which the delivery related and the candidate's role(s) in the performance of the delivery. The reference is furthermore requested to include the financial value of the delivery (amount), the date of delivery and the name of the customer (recipient).

When indicating the date of the delivery, the candidate is requested to indicate the date when the delivery was commenced and finalised. If this is not possible, e.g. if the tasks were performed on an ongoing basis under a framework agreement, the candidate is asked to indicate in the description of the delivery how the date is specified.

No more than 5 references should be stated, irrespective of whether the candidate is a single operator, whether the candidate relies on the technical capacities of other entities, or whether the candidate is a group of operators (e.g. a consortium).

If the candidate relies on the professional experience of other entities for the performance of specific parts of the services comprised by the contract, see section II.2.4), such services under the contract must be performed by the entity on which the candidate relies.

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

Before the award decision 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.

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

Financing conditions and payment arrangements will be stated in the tender documents.

Reference is furthermore made to the electronic invoicing required and the option of electronic ordering pursuant to (Consolidated) Act no. 798 of 28 June 2007 on payment to public authorities, etc., as amended. The Consolidated Act is available (in Danish) at www.retsinformation.dk.

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 contract 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

In the contract, the consideration of social responsibility, as formulated in the conventions underlying the principles of the UN Global Compact and as formulated in the OECD

Guidelines for Multinational Enterprises, is included to the relevant extent. In addition, contractual requirements have been imposed under ILO Convention 94 on labour clauses in public contracts and circular no. 9471 of 30 June 2014.

The contract requires that relevant employees who perform tasks in connection with the performance of the contract must be able to be security approved.

The contracting entity assesses that the conclusion of the contract may be subject to authorisation requirements under the Investment Screening Act (<https://erhvervsstyrelsen.dk/aftaler-omfattet-af-investeringscreeningsloven>). See further in the tender specifications.

The contract includes railway safety requirements (see II.2.14).

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

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 132-422619](#)

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

Date: 10/11/2023 Local time: 14:00

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

Date: 17/11/2023

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

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 I.3).

The candidate must submit as its application an ESPD as preliminary documentation of the circumstances set out in section 148(1) of the Danish Public Procurement Act, cf. section 12 of

Ministerial Order on procurement by entities operating in the water, energy, transport and postal services sectors (implementeringsbekendtgørelsen - "the Danish Implementing Order"). The candidate may rely on the technical and/or financial capacity of other operators to fulfil the suitability requirements stated in III.1.2) and III.1.3), including for the purpose of selection, see II.2.9). The operator(s) making its/their technical and/or financial capacity available to the candidate must sign 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 sections 134 a, 135 and 136 of the Danish Public Procurement Act, and the grounds for exclusion set out in section 137(1), para 1 and para 2, cf. section 11(1), para. (1) of the Danish Implementing Order, unless the candidate has submitted sufficient documentation for its reliability in accordance with section 138 of the Danish Public Procurement Act, cf. section 11(1), para. (2) of the Danish Implementing Order. See "Additional information about the contract notice".

Before the award decision is made, the tenderer to whom the contracting entity intends to award the contract must provide documentation of the information submitted in the ESPD pursuant to sections 150-155, cf. section 12 of the Danish Implementing Order. As an alternative to the documentation mentioned in sections 153-155, 157 and 158 of the Danish Public Procurement Act, the applicant and tenderer may submit to the contracting entity a certificate of registration in an official list of approved economic operators, see section 156, issued by the competent authority. The contracting entity only accepts certificates of registration in an official list from applicants and tenderers established in the country holding the official list.

In the event of changes to the composition of the tenderer, the provisions of section 147 of the Danish Public Procurement Act will apply in their entirety.

Ad I.3) it should be noted that parts of the tender documents are only accessible via a data room. Access to data rooms is provided upon request. For more information, please see "Tender specifications".

Ad II.1.5) and II.2.6), it should be noted that the amount is an estimate of the expected contract price for the entire term of the contract, including the price of all options, see "Additional information about the contract notice".

Ad II.2.7), please note that the duration indicated is from the Transition Day. In addition to the stated duration, a flexible expiry phase will be needed in connection with the termination of the contract to ensure the undisturbed functioning of operations in connection with any re-tender.

Ad II.2.9) it should be noted that each candidate may only submit 1 application for prequalification.

For information on the process of the negotiations, reference is made to the tender specifications.

The Contracting Entity will pay no remuneration for participating.

The Contracting Entity reserves the right to award on the basis of the initial tender.

See also the document "Additional information about the contract notice" which contains additional information regarding this section. The document is accessible via the electronic tendering system at the address set out in I.3).

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@naevneneshus.dk
Telephone: +45 72405600
Internet address: <https://naevneneshus.dk/start-din-klage/klagenaevnet-for-udbud/>

VI.4.3. Review procedure

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 stand-still 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 section 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://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

10/10/2023