

Denmark-Søborg: Software supply services
OJ S 243/2022 16/12/2022
Contract notice – utilities
Services

Legal Basis:

Directive 2014/25/EU

Section I: Contracting entity

I.1. Name and addresses

Official name: Rejsekort & Rejseplan A/S

National registration number: 27332072

Postal address: Automatikvej 1, 1.

Town: Søborg

NUTS code: DK Danmark

Postal code: 2860

Country: Denmark

Contact person: Thomas Krarup

E-mail: tkr@rejsekort.dk

Internet address(es):

Main address: <https://permalink.mercell.com/192281581.aspx>

Address of the buyer profile: <http://www.rejsekort.dk/>

I.1. Name and addresses

Official name: Sydtrafik

Town: Vejen

NUTS code: DK Danmark

Country: Denmark

E-mail: tkr@rejsekort.dk

Internet address(es):

Main address: <https://sydtrafik.dk/>

I.1. Name and addresses

Official name: Midttrafik

Town: Aarhus

NUTS code: DK Danmark

Country: Denmark

E-mail: tkr@rejsekort.dk

Internet address(es):

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

I.1. Name and addresses

Official name: Nordjyllands Trafikselsskab

Town: Aalborg

NUTS code: DK Danmark

Country: Denmark

E-mail: tkr@rejsekort.dk

Internet address(es):

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

I.1. Name and addresses

Official name: BAT

Town: Rønne

NUTS code: DK Danmark

Country: Denmark

E-mail: tkr@rejsekort.dk

Internet address(es):

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

I.1. Name and addresses

Official name: Metroselskabet I/S

Town: København

NUTS code: DK Danmark

Country: Denmark

E-mail: tkr@rejsekort.dk

Internet address(es):

Main address: <https://m.dk/>

I.1. Name and addresses

Official name: DSB

Town: Taastrup

NUTS code: DK Danmark

Country: Denmark

E-mail: tkr@rejsekort.dk

Internet address(es):

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

I.1. Name and addresses

Official name: Trafikselskabet Movia

Town: Valby

NUTS code: DK Danmark

Country: Denmark

E-mail: tkr@rejsekort.dk

Internet address(es):

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

I.1. Name and addresses

Official name: Fynbus

Town: Odense

NUTS code: DK Danmark

Country: Denmark

E-mail: tkr@rejsekort.dk

Internet address(es):

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

I.1. Name and addresses

Official name: Rejsekort & Rejseplan A/S

National registration number: 27332072

Postal address: Automatikvej 1, 1.

Town: Søborg

NUTS code: DK Danmark

Postal code: 2860
Country: Denmark
Contact person: Thomas Krarup
E-mail: tkr@rejsekort.dk
Internet address(es):
Main address: <https://www.rejsekort.dk>

I.2. Information about joint procurement

The contract involves joint procurement

I.3. Communication

The procurement documents are available for unrestricted and full direct access, free of charge, at: <https://permalink.mercell.com/192281581.aspx>

Additional information can be obtained from the abovementioned address

Tenders or requests to participate must be submitted electronically via: <https://permalink.mercell.com/192281581.aspx>

I.6. Main activity

Other activity: Public transportation

Section II: Object

II.1. Scope of the procurement

II.1.1. Title

Tender for SaaS Agreement regarding provision of Services and related services

II.1.2. Main CPV code

72268000 Software supply services

II.1.3. Type of contract

Services

II.1.4. Short description

The tender is a multi-vendor framework agreement regarding provision of Software-as-a-Service and related services to realize the ambition of the contracting entity to launch a unified digital mobility solution for public transportation with bus, train, light rail, metro, and other modes of transportation in Denmark.

Tender is handled by Mercell Sourcing Services, use <https://permalink.mercell.com/192281581.aspx>

II.1.5. Estimated total value

Value excluding VAT: 400 000 000,00 DKK

II.1.6. Information about lots

This contract is divided into lots: no

II.2. Description

II.2.2. Additional CPV code(s)

48100000 Industry specific software package, 72263000 Software implementation services, 72300000 Data services, 72310000 Data-processing services, 72410000 Provider services

II.2.3. Place of performance

II.2.4. Description of the procurement

I) Background and purpose:

The contracting entity operates Rejsekort (an electronic ticket system for bus, train, light rail, and metro with approx. 3.2 mio. active users and 100-200 mio. yearly journeys) and Rejseplanen (a nationwide web- and app-based system for travel planning with public transportation with 50+ mio. searches yearly).

The contracting entity is owned by the Public Transportation Operators (PTO's) and is regulated by Chapter IV of the Danish Transport Companies Act (lov om trafiksselskaber).

According to the law the contracting entity is to support a further development of the Rejseplan system, together with the functions of the Rejsekort system, to provide a unified digital mobility solution where travel planning, booking, ticketing and payment can be accessed via a single consolidated solution across public and private modes of transport. The main purpose of the framework agreement is to deliver services to fulfill these ambitions. The contracting entity expects to award the framework agreement to four (4) tenderers.

II) Main services of the framework agreement:

The framework agreement covers Software-as-a-Service for public transportation, The framework agreement covers the Supplier's provision of services for public transportation that are to be provided to the Customer as a "Software as a Service" ("SaaS").

Provision of the services takes place in accordance with concluded delivery agreements under the framework agreement after completion of direct award or mini competition. The main services include the following:

A) Implementation Services:

The supplier shall provide implementation services, including the necessary configurations of modules, cf. subsection II, point B.

B) The Solution:

The supplier shall provide a solution which consists of one or multiple of the following functional modules:

- i. Journey planning and real-time traffic information
- ii. Ticketing for pay-as-you-go (PAYG) and prepaid ticketing
- iii. Journey mapping and inspection
- iv. Price calculation and payment
- v. Integration to third-party mobility providers
- vi. Customer relationship management, self-service and customer roles
- vii. Fraud prevention and detection
- viii. Revenue sharing and data insights

C) Continuing Services:

The supplier shall provide continuing services, including:

- i. Continuous operation of the solution and all related deliverables, including installation of new versions and releases, monitoring and user administration
- ii. Maintenance, including preventive maintenance, troubleshooting, error and incident correction as well as updates and development of functionality and use of the solution.
- iii. Support in relation to the use of the Solution, including the suppliers handling of report of defects, errors and incidents through a support desk.

D) Services as per order:

The supplier shall provide services as per order as a supplement to a delivery agreement, including consultancy services, additional modules from the supplier's roadmap, and additional services in form of additional mobility service providers, additional integration and additional PSP's.

Tenderers are not guaranteed any minimum purchase under the framework agreement, and estimates are therefore no undertaking on the part of the contracting entity to make a minimum purchase under the framework agreement.

This tender is carried out in continuation of another tender which the contracting entity has carried out regarding a framework agreement on Application Development and related services. After completion of the SaaS tender, the contracting entity intends to carry out another tender regarding an Operating Contract. These three contracts constitute the Body of Contracts. The tenders of the three contracts are carried out separately and without dependencies. It is always the contracting entity's current needs in relation to the specific services covered by the individual agreements that determine which agreement under the Body of Contracts the contracting entity must use.

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: 400 000 000,00 DKK

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

Duration in months: 96

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: 5
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 (references), see section III.1.3), comparable to the main services covered by the framework agreement, see the description in section II.2.4).

The evaluation of the most relevant services will be made on the basis of the extent to which the references together document experience with delivery of services that are functionally comparable to the main services, see description under section II.2.4), subsection II, points A-D (Main Services). Special weight will be given to submitted references showing that the candidate has delivered services similar to those listed under section II.2.4), subsection II, point B.

In the evaluation of which candidates have documented the most relevant deliveries of comparable services, the contracting entity will award the candidates points on a scale of 1-10 for each main service based on the extent to which the references, in total, document relevant experience in delivering the main services. On this basis, the candidate is awarded an overall score, which is calculated as the average number of 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

The value listed under section II.2.6 is the maximum value of the framework agreement. The estimated value is DKK 250 mio. The difference between the estimated value and the maximum value is due to the uncertainty of the final value of the framework agreement.

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 latest financial year 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 framework agreement.

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 tenderers to whom the contracting entity intends to award the framework agreement 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 overall turnover in the most recent annual report/financial statement 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 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.

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 EUR 5 million is required in the most recent annual report/financial statement 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 the last financial year available. For groups of operators (e.g. a consortium), the turnover is calculated as the total turnover 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.

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 3 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 3 references may 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 framework agreement, see section II.2.4), such services under the framework agreement must be performed by the entity on which the candidate relies.

The ESPD serves as provisional documentation that the candidate fulfils the minimum suitability requirements in respect of technical and professional ability, see section III.1.3)] and 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 framework agreement 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.

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 framework agreement 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

The framework agreement has incorporated the corporate social responsibility considerations, as appropriate, as laid down in the conventions on the basis of which the principles of the UN Global Compact are worded and as laid down in the OECD Guidelines for Multinational Enterprises.

The framework agreement lays down requirements on compliance with the law on processing of personal data.

The contracting entity has assessed that the conclusion of the framework agreement may be subject to the authorization requirement pursuant to the Danish Investment Screening Act. See further in the tender specifications.

Attention is drawn to Article 5k in Regulation (EU) No 833/2014 as later amended, which applies for the tender procedure. The provision contains a prohibition against award of contracts to Russian companies and Russian controlled companies etc.

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

Date: 12/01/2023 Local time: 12:00

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

Date: 26/01/2023

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, cf. section I.3). For access to the tender documents, the candidate must register as a user.

If the application contains several versions of the same document, the latest uploaded version will apply.

The candidate must submit as its application an ESPD as preliminary documentation of the circumstances set out in section 148(1), paras (1)-(3) 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 (the Implementing Order). It is not necessary for the Candidate to sign the ESPD document. For groups of operators (e.g. a consortium), a separate ESPD must be submitted for each participating economic operator. Where the Candidate is a group of operators, the ESPD document of each participant in the group must be signed by the participant in question. The Candidate head-ing the group and submitting the application is not required to sign its ESPD document. If the candidate relies on the capacity of other entities, an ESPD must be submitted for and signed by each of the entities on which the candidate relies.

The candidate may rely on the technical and/or financial capacity of other operators to fulfil the suitability requirements stated in section III.1.2) and III.1.3), including for the purpose of selection, see section II.2.9). The operator(s) making its/their technical and/or financial capacity available to the candidate must sign a letter of commitment, see further in the tender specifications.

The candidate must also submit 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 agreement.

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, cf. section 11(1), para. (1) of the 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 Implementing Order.

Before the award decision is made, the tenderers to whom the contracting entity intends to award the framework agreement must provide documentation of the information submitted in the ESPD pursuant to sections 150 and 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.

As regards section II.2.9) it should be noted that each candidate may only submit one application for prequalification.

The contracting entity may ask the candidate to supplement, specify or complete the application pursuant to Article 76, para. (4) of the Utilities Directive.

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 without entering into negotiations.

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: kfu@naevneneshus.dk

Telephone: +45 72405600

Fax: +45 33307799

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

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

Fax: +45 41715100

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

VI.5. Date of dispatch of this notice

12/12/2022