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**Denmark-Copenhagen: Railway construction works
2015/S 248-452883**

Contract notice – utilities

Works

Directive 2004/17/EC

Section I: Contracting entity

I.1) **Name, addresses and contact point(s)**

Metroselskabet I/S
Metrovej 5
For the attention of: Mikkel Kjær Jensen
2300 Copenhagen S
DENMARK
Telephone: +45 42724572
E-mail: mkj@m.dk

Internet address(es):

General address of the contracting entity: <http://www.m.dk>

Further information can be obtained from: The above mentioned contact point(s)

Specifications and additional documents (including documents for a dynamic purchasing system) can be obtained from:

Metroselskabet I/S
Metrovej 5
For the attention of: Carsten Larsen
2300 Copenhagen S
DENMARK
Telephone: +45 40631014
E-mail: cla@m.dk
Internet address: <http://www.m.dk>

Tenders or requests to participate must be sent to: The above mentioned contact point(s)

I.2) **Main activity**

Urban railway, tramway, trolleybus or bus services

I.3) **Contract award on behalf of other contracting entities**

The contracting entity is purchasing on behalf of other contracting entities: no

Section II: Object of the contract

II.1) **Description**

II.1.1) **Title attributed to the contract by the contracting entity:**

Cityringen — branch off to Sydhavnen — CRSH4.

II.1.2) **Type of contract and location of works, place of delivery or of performance**

Works

Main site or location of works, place of delivery or of performance: From the bifurcation chamber from Cityringen close to the CMC and along the alignment to Ny Ellebjerg.

NUTS code DK011

II.1.3) **Information about a public contract, a framework agreement or a dynamic purchasing system (DPS)**

The notice involves a public contract

II.1.4) **Information on framework agreement**

II.1.5) **Short description of the contract or purchase(s):**

Metroselskabet is in Copenhagen constructing Cityringen, Cityringen — branch off to Nordhavn and Cityringen — branch off to Sydhavnen (for short CRSH).

The present contract notice comprises CRSH.

CRSH is a dual track branching off Cityringen, starting after a bifurcation chamber 'Havneholmen' (Hah), on Cityringen located on the branch off from Cityringen to the Control and Maintenance Centre (CMC).

Four underground stations will be established:

- at Fisketorvet shopping mall;
- at Enghave Brygge just north of Frederiksholmsløbet Canal;
- at Sluseholmen between Sydhavnsgade;
- at Fordgraven and at Mozarts Plads.

A station will be established at grade/underground at the existing hub Ny Ellebjerg. The metro station will have passenger transfer to other existing railway lines.

There are at the moment two scenarios for CRSH illustrated below by the contract structure for the 2 scenarios:

Contract structure Scenario A:

- CRSH1A Underground Civil Works;
- CRSH2 Above Ground Civil Works;
- CRSH3 Ny Ellebjerg Transfer Tunnel Civil Works;
- CRSH4 Transportation Systems Works.

Contract structure Scenario B:

- CRSH1B Underground Civil Works;
- CRSH4 Transportation Systems Works.

The present contract notice comprises the CRSH4. CRSH1A, CRSH1B, CRSH2 and CRSH3 contracts will be announced in a separate contract notice.

The CRSH4 Transportation Systems Works contract is a design and build contract.

The scope of work for CRSH4 comprises the following elements of the transportation system:

- Permanent way;
- Traction power;
- Power supply;
- Local SCADA.

CRSH4 shall manage the design and construction interface with the underground works contractor CRSH1A/CRSH1B and the above ground works contractor CRSH2, and with other transportation systems and rolling stock supplied by the Cityringen TSC contract.

The CRSH4 contract has major design and construction interfaces to the following separate contracts:

- CRSH1A Underground Ground Civil Works (if scenario A);
- CRSH1B Underground Ground Civil Works (if scenario B);
- CRSH2 Above Ground Civil Works (if scenario A);
- TSC Cityringen Transportation Systems Contract.

The expected scope of work in the above mentioned contracts are described further in an Information Document, which can be downloaded from www.m.dk/procurement/sydhavn

II.1.6) **Common procurement vocabulary (CPV)**

45234100, 45234129, 45234111, 45234116, 31174000, 42961200

II.1.7) **Information about Government Procurement Agreement (GPA)**

The contract is covered by the Government Procurement Agreement (GPA): yes

II.1.8) **Information about lots**

This contract is divided into lots: no

II.1.9) **Information about variants**

Variants will be accepted: no

II.2) **Quantity or scope of the contract**

II.2.1) **Total quantity or scope:**

Please refer to II.1.5).

II.2.2) **Information about options**

Options: yes

Description of these options: Options comprises services contracts in relation to installations in the stations, shafts and tunnels, which may be transferred to the TSC Contractor (Contractor for Operation and Maintenance of Cityringen).

Provisional timetable for recourse to these options:

in months: 72 (from the award of the contract)

II.2.3) **Information about renewals**

This contract is subject to renewal: no

II.3) **Duration of the contract or time limit for completion**

Duration in months: 72 (from the award of the contract)

Section III: Legal, economic, financial and technical information

III.1) **Conditions relating to the contract**

III.1.1) **Deposits and guarantees required:**

Will be stated in the tender documents.

III.1.2) **Main financing conditions and payment arrangements and/or reference to the relevant provisions governing them:**

Will be stated in the tender documents.

III.1.3) **Legal form to be taken by the group of economic operators to whom the contract is to be awarded:**

A group of economic operators must be jointly and severally liable for the performance of the contract. A declaration to this effect must be submitted if a tender is submitted.

III.1.4) **Other particular conditions:**

The performance of the contract is subject to particular conditions: yes

Description of particular conditions: The CRSH4 contract will be based on an AB/SB document

(Metroselskabets supplement and changes to ABT 93 — General Conditions for turnkey contracts). The

contract will contain labour and social clauses, requirements in relation to health and safety and requirements in relation to working environment, etc.

III.2) **Conditions for participation**

III.2.1) Personal situation of economic operators, including requirements relating to enrolment on professional or trade registers

Information and formalities necessary for evaluating if the requirements are met: 1) The request for participation must be submitted in two copies of the same wording and a digital copy on a USB. Organisation of the application in accordance with the structure of this announcement will be highly appreciated.

2) The request must include a description of the Applicant.

The description must include:

— A general description of the company/companies forming the Applicant;

— A description of the role in respect of the execution of the contract of the company/companies forming the Applicant;

— A general description of each third party (e.g. consultant or subcontractors) the Applicant base the application on (if any), reference to the Utility Directive section 54 (5) and 54 (6);

— A description of the role in respect of the execution of the contract of each third party the Applicant base the application on (if any).

3) The request must specify the phone number; e-mail address and name of contact person for the Applicant;

4) According to Consolidation Act No. 336 of 13 May 1997, the Applicant must enclose a solemn declaration in respect of due, unpaid debt to the authorities;

5) The request must also be accompanied by a solemn declaration to the effect that the Applicant is not excluded from participating in the tender procedure for reasons specified in Article 54 (4) of the utility directive, second sentence (corresponding to the Public Procurement Directive, Article 45 (1)), and that the applicant is not excluded from participating in the tender procedure for reasons covered by the Public Procurement Directive, Article 45 (2), letters a, b, c, e and f.

Formality:

If the request for participation comes from a consortium / JV, the above mentioned information in nos. 4-5 must be given for each participant in the consortium / JV.

A paradigm for the solemn declarations mentioned in nos 4 and 5 above is available at www.m.dk/procurement/sydhavn

III.2.2) Economic and financial ability

Information and formalities necessary for evaluating if the requirements are met: 6) The request must be accompanied by information on the Applicant's economic key figures for the 3 last available years as follows:

— turnover;

— profit/loss for the year after taxation;

— equity capital;

— total assets.

The information may be given as a table, dated and signed by the Applicant, Metroselskabet (MS) would prefer not to receive annual reports.

MS reserves the right to obtain audited annual reports upon request.

Formality:

— If the request for participation comes from a consortium, the above mentioned information must be submitted for each participant of the consortium.

— If the application is based on economic and financial capacity of a third party (e.g. a parent company):

a) the above mentioned information in section III.2.2) must also be enclosed for such third party;

b) an availability declaration from the third party must be enclosed, cf. Article 54 (5) of the Utilities Directive.

c) the third party must sign and submit a unlimited surety bond (selvskyldnerkaution) if the Applicant is awarded the contract.

— No availability declaration is needed if the application is based solely on the applicant's own economic and financial capacity.

— A template for the availability declaration is available at <http://www.m.dk/procurement/sydhavn>

Minimum requirements regarding economic and financial capacity:

There must be no risk worth mentioning that for financial reasons the applicant will not be able to complete the task in a satisfactory way.

III.2.3) **Technical capacity**

Information and formalities necessary for evaluating if the requirements are met: 7) The application must be accompanied by references for comparable assignments to the one put out to tender.

Each reference may contain a description of the nature of each project, the client, a contact person if available, the physical and financial size of the project, the work performed by the Applicant and the time-frame in which the project was carried out. Comparable reference projects may include the following key features:

a) Design, construction and project management of underground Metro projects in relation to permanent way, traction power, power supply and local scada;

b) Occupational health and safety management systems and safety statistics.

MS wants a maximum of 15 references in total per Applicant for all companies involved in the application (company/companies forming the Applicant and every third party (if any)).

8) The request must be accompanied by information about the Applicant's approximate number of employees who have been involved in comparable assignments within the last 3 years.

Formality:

— If the request for participation comes from a consortium, the above mentioned information in Nos 7 and 8 must be given for each participant of the consortium.

— If the application is based on technical capacity from a third party (e.g. a consultant or a subcontractor):

a) the above mentioned information in Nos 7 and 8 must also be given for the third party;

b) an availability declaration signed by the third party must be enclosed, cf. Article 54 (6) of the Utilities Directive.

— A template for the availability declaration is available at <http://www.m.dk/procurement/sydhavn>

Minimum requirement regarding technical capacity: the applicant must document solid experience with — and competence for — solving assignments comparable to the one offered for tender. The assessment will include the total documented experience in the references submitted.

III.2.4) **Information about reserved contracts**

III.3) **Conditions specific to services contracts**

III.3.1) **Information about a particular profession**

III.3.2) **Staff responsible for the execution of the service**

Section IV: Procedure

IV.1) **Type of procedure**

IV.1.1) **Type of procedure**

Negotiated

Some candidates have already been selected (if appropriate under certain types of negotiated procedures):

no

IV.2) **Award criteria**

IV.2.1) **Award criteria**

The most economically advantageous tender in terms of the criteria stated in the specifications or in the invitation to tender or to negotiate

IV.2.2) Information about electronic auction

An electronic auction will be used: no

IV.3) Administrative information

IV.3.1) File reference number attributed by the contracting entity:

IV.3.2) Previous publication(s) concerning the same contract

no

IV.3.3) Conditions for obtaining specifications and additional documents

Time limit for receipt of requests for documents or for accessing documents: 13.3.2016

Payable documents: no

IV.3.4) Time limit for receipt of tenders or requests to participate

14.3.2016 - 12:00

IV.3.5) Language(s) in which tenders or requests to participate may be drawn up

English.

IV.3.6) Minimum time frame during which the tenderer must maintain the tender

IV.3.7) Conditions for opening of tenders

Section VI: Complementary information

VI.1) Information about recurrence

This is a recurrent procurement: no

VI.2) Information about European Union funds

The contract is related to a project and/or programme financed by European Union funds: no

VI.3) Additional information:

Selection of Tenderers:

4 Tenderers for the CRSH4 contract will be selected from among the applicants that comply with the minimum requirements of item III.2) of the contract notice.

The selection of Tenderers will be based on an overall assessment of how the contracting authority can obtain the most attractive tenders. This overall assessment comprises the below items A, B and C in prioritized order:

A) An assessment of technical capacity and competence on the basis of information requested in item III.2.3) of the contract notice.

The evaluation will emphasise the key features listed in section III.2.3 (8). The listed key features are listed in no specific order.

B) An assessment of whether the Applicants organization including third parties (if any) is suitable for carrying out the assignment put out to tender

C) An assessment of the economic and financial capacity of the Applicant.

Tender fee:

A tender fee will be paid to Tenderers submitting an initial tender, which the Employer is not obliged to reject.

The tender fee will for the contractor (winner of the procurement procedure) be deducted in the first invoice(s).

Change in an entity: if an entity (Applicant, Tenderer, Contractor) consist of several companies (e.g. a consortium), during the tendering procedure (i.e. at any point in time prior to contract award) requests for a change in the entity's composition; this can only take place subject to MS's prior written acceptance. A change in composition is for instance if one of the entity members leaves the entity, or if any entity members is substituted by another company.

When assessing whether to grant a change in composition, MS will consider the character and extent of the desired change. Among other, this consideration will place emphasis on whether the entity would have been pre-qualified, if the change in composition had been known prior to pre-qualification.

If an Applicant, who have relied on economic and financial capacity or technical capacity of a third party, wants to substitute or remove this third party during tendering procedure, this can only take place subject to MS's prior written acceptance.

When assessing whether to accept the change, MS will consider the character and extent of the desired change. Among other, this consideration will place emphasis on whether the entity would have been pre-qualified, if the substituting third party had been known had been known prior to pre-qualification or the removed third party had been known had been known prior to pre-qualification. The tender documents will contain provisions dealing with changes as described above which takes place after contract award.

Questions:

Questions (if any) from potential applicants will be answered and uploaded to www.m.dk/procurement/sydhavn

MS may be obliged to reject an application if not all information required in section III.2) is submitted. The applicant alone has the risk of having the application rejected if not including all required information in section III.2).

Regarding additional information in respect of other issues than selection criteria of tenderers, reference is made to the above mentioned Information Document.

VI.4) **Procedures for appeal**

VI.4.1) **Body responsible for appeal procedures**

Klagenævnet for Udbud
Dahlerup Pakhus, Langelinie Allé 17
2100 København Ø
DENMARK
E-mail: kfu@erst.dk
Telephone: +45 32591000
Internet address: www.kfu.dk

VI.4.2) **Lodging of appeals**

Precise information on deadline(s) for lodging appeals: Complaints against not being pre-qualified shall be lodged to Klagenævnet for Udbud no later than 20 calendar days from the day after the day the contracting entity has sent a notification to the affected applicants.

Complaints in respect of other issues than not being pre-qualified shall be lodged to Klagenævnet for Udbud no later than 45 calendar days after the award of contract has been published in TED.

VI.4.3) **Service from which information about the lodging of appeals may be obtained**

Konkurrence- og Forbrugerstyrelsen
Carl Jacobsens Vej
2500 Valby
DENMARK
E-mail: kfst@kfst.dk
Telephone: +45 41715000
Internet address: www.kfst.dk

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

18.12.2015