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**Denmark-Copenhagen: Tramline construction works
2015/S 217-396576**

Contract notice – utilities

Works

Directive 2004/17/EC

Section I: Contracting entity

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

Hovedstadens Letbane (Ring 3 Letbane I/S)

Metrovej 5

For the attention of: Carsten Larsen

2300 Copenhagen S

DENMARK

Telephone: +45 40631014

E-mail: cla@m.dk

Internet address(es):

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

Electronic access to information: <http://www.bascon.dk/da/udbud>

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: The above mentioned contact point(s)

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:

Letbane på Ring 3 (Light Rail on Ring 3) — Civil Works Contracts CW-G (Gladsaxe) and CW-L (Lyngby).

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

Works

Design and execution

Main site or location of works, place of delivery or of performance: Along the road Ring 3 in Gladsaxe and Lyngby-Taarbæk Municipalities.

NUTS code DK012

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):

Contracting entity (the owners):

The Danish Government, The Capital Region of Denmark and 11 municipalities (Lyngby-Taarbæk, Gladsaxe, Herlev, Rødovre, Glostrup, Albertslund, Brøndby, Høje-Taastrup, Hvidovre, Vallensbæk, Ishøj) have agreed to construct a Light Rail on Ring 3 and formed the partnership 'Hovedstadens Letbane'.

Formally 'Ring 3 Letbane I/S' will be the contracting entity. After a construction law is passed in the Parliament the name will be changed to Hovedstadens Letbane (HL).

The project:

The 'Letbane på Ring 3' will have 28 stations on a 28 km double track from Lundtofte in the North to Ishøj in the South.

Frequent services at 5 minute intervals on weekdays make the light rail an attractive public transport solution.

The light rail is expected to carry 13 000 000-14 000 000 passengers a year. The number may increase to 17 000 000-18 000 000, as the area along the line gradually develops.

Contract structure:

The contract structure will be:

- A. 5 contracts for Civil Works including roads, bridges and other complex structures;
- B. 1 contract for Transportation System (TS) including Stations, Substations and CMC (CMC Building contractor as nominated subcontractor, cf. below). The TS contractor will be subcontractor to the O&M contractor for part of the maintenance;
- C. 1 contract for Control and Maintenance Centre (CMC) Building (the contractor will be transferred to the TS Contractor as a nominated subcontractor);
- D. 1 contract for Operation and Maintenance (O&M). The TS contractor will be subcontractor for part of the maintenance.

The 5 CW contracts are split by borders between municipalities:

- Contract CW-I (Ishøj);
- Contract CW-VBG (Vallensbæk, Brøndby and Glostrup);
- Contract CW-RH (Rødovre and Herlev);
- Contract CW-G (Gladsaxe);
- Contract CW-L (Lyngby).

Further information on the project and the contract structure is available in the document 'Information about the public procurement process' (hereinafter referred to as 'info-document'), which can be downloaded from www.bascon.dk/da/udbud

Present contract notice:

The present contract notice comprises CW-G, CW-L and a combination of CW-G and CW-L in 1 contract CW-GL.

It is possible to apply for pre-qualification for CW-G and/or CW-L and/or CW-GL.

There will be awarded either two separate contracts CW-G and CW-L or 1 combined contract CW-GL.

Scope of work in cw contracts:

The 'Letbane på Ring 3' alignment runs through a total of 8 municipalities in a mixture of on-street and off-street environments, passing through approximately 60 signalised road junctions. It will require over 60 new or modified, structures comprising bridges, underpasses and retaining walls.

The Roads Contracts include the design and construction of the Civil Works for the light rail alignment and the associated road works and structures. This includes the track alignment design and all geometric and structural road design, drainage, street lighting, traffic signals, road signage, structures, earthworks and demolitions.

The scope of works includes the management of interfaces, cooperation and collaboration with other contractors and consultants. In particular, there will be a high degree of design and construction interface with the

Transportation Systems contractor, with the other Civils Works Contractors and also with the Utility Companies, with whom it will be necessary to coordinate and whose relocation works it will be necessary to facilitate.

The Contracts will include for all permanent and temporary works, including traffic management.

Although the Contracts are predominantly design and build, a detailed design will be provided for the certain bridges and retaining walls at the light rail crossings of Nærumbanen and Banedanmark infrastructure at the new Copenhagen Ringsted railway line, Glostrup, Herlev, Buddinge and Lyngby. A reference design will be provided for each of the remaining structures and for the alignment and road works.

Specific data for CW-G:

- Length: 4,9 km;
- Stations: 6 pcs;
- Signal controlled junctions: 12 pcs;
- Demolitions: 17 pcs;
- Track form: Ballast 3,8 km and Slab track: 1,1 km;
- New pedestrian / cycle bridges: 5 pcs;
- New retaining walls: 7 pcs;
- New underpasses: 1 pcs.

Key Features:

- interface with Buddinge Station including partial demolition;
- Light rail crossing of Motorway M3 and Hillerød.

Specific data for CW-L:

- Length: 5,8 km;
- Stations: 7 pcs;
- Signal controlled junctions: 13 pcs;
- Demolitions: 8 pcs;
- Track form: Ballast 3,7 km and Slab track: 2,1 km;
- New retaining walls: 2 pcs;
- New underpasses: 3 pcs.

Key Features:

- Construction of new underpass beneath railway line at Lyngby station;
- New major retaining wall in close proximity to existing high rise building adjacent to Lyngby rail station;
- Major town centre environments with protected buildings and access to shops.

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

45234126, 45234140, 45234121

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: yes

Tenders may be submitted for one or more lots

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 section II.1.5).

II.2.2) **Information about options**

Options: yes

Description of these options: 1 option comprises to change Track Form Ballast to Track Form Slab Track (embedded grooved rail) partly or in total.

1 option comprises grass track (slab track).

Provisional timetable for recourse to these options:
in months: 6 (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: 39 (from the award of the contract)

Information about lots

Lot No: 1

Lot title: CW-G

1) Short description:

Please refer to section II.1.5).

2) Common procurement vocabulary (CPV)

45234126, 45234140, 45234121

3) Quantity or scope:

Please refer to section II.1.5).

4) Indication about different date for duration of contract or starting/completion

Duration in months: 39 (from the award of the contract)

Lot No: 2

Lot title: CW-L

1) Short description:

Please refer to section II.1.5).

2) Common procurement vocabulary (CPV)

45234126, 45234140, 45234121

3) Quantity or scope:

Please refer to section II.1.5).

4) Indication about different date for duration of contract or starting/completion

Duration in months: 39 (from the award of the contract)

Lot No: 3

Lot title: CW-G and CW-L in a combined contract CW-GL as 1 contract

1) Short description:

Please refer to section II.1.5).

2) Common procurement vocabulary (CPV)

45234126, 45234140, 45234121

3) Quantity or scope:

Please refer to section II.1.5).

4) Indication about different date for duration of contract or starting/completion

Duration in months: 39 (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 5 CW contracts will be based on an AB/SB document (Hovedstadens Letbanes supplement and changes to ABT 93). All contracts will in the AB/SB documents 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 3 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 specify which contract(s) the applicant applies for:

— CW-G;

— CW-L;

— CW-GL (CW-G and CW-L in one combined contract).

3) 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 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);

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

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

5) According to Consolidation Act No. 336 of 13.5.1997, the applicant must enclose a solemn declaration in respect of due, unpaid debt to the authorities.

6) 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), 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 abovementioned information in Nos 5-6 must be given for each participant in the consortium/JV.

A paradigm for the solemn declarations mentioned in Nos 5 and 6 above is available at www.bascon.dk/da/udbud

If the same applicant applying for pre-qualification for more than one of the three contracts (CW-G, CW-L and CW-GL) the information requested in section III.2.1) is only required once.

III.2.2) **Economic and financial ability**

Information and formalities necessary for evaluating if the requirements are met: 7) 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, HL would prefer not to receive annual reports.

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

Formality:

- if the same applicant applying for pre-qualification for more than one of the 3 contracts (CW-G, CW-L and CW-GL) the information requested in section III.2.2) is only required once;
- 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):
- the information in section III.2.2) must also be enclosed for such third party;
- an availability declaration from the third party must be enclosed, cf. Article 54 (5) of the Utilities Directive.
- 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.bascon.dk/da/udbud>

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: 8) 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 major roads, structures, light rail, metro projects;
- b) Performance in an urban and complex stakeholder environment;
- c) Collaboration with other (non-consortia) contractors;
- d) Traffic management;
- e) Authority approvals handling;
- f) Occupational health and safety including safety statistics.

HL wants a maximum of 10 references per company (company/companies forming the Applicant and every third party (if any)). Each company is requested to choose his 10 most relevant references.

9) 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:

- The above mentioned information in Nos 8 and 9 are required for each contract (CW-G, CW-L, CW-GL) the Applicant applies for;
 - If the request for participation comes from a consortium, the above mentioned information in Nos 8 and 9 are 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):
 - i) the above mentioned information in Nos 8 and 9 must also be given for the third party;
 - ii) 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.bascon.dk/da/udbud>
- 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

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

Periodic indicative notice

Notice number in the OJEU: [2015/S 179-325879](#) of 16.9.2015

IV.3.3) Conditions for obtaining specifications and additional documents

Payable documents: no

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

21.12.2015 - 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:**

4 Tenderers for CW-G, 4 Tenderers for CW-L and 4 Tenderers for CW-GL will be selected from among the applicants that comply with the minimum requirements of item III.2) of the contract notice.

An applicant may be selected as Tenderer for the contract CW-G, and/or for the contract CW-G and/or the contract CW-GL.

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 in general prioritize the following (in no specific order):

- experience in design and construction of roads and major structures in an urban environment;
- experience of working in close proximity to live railways.

For CW-G the evaluation will further prioritize the following (in no specific order):

- experience of undertaking multiple property demolitions.

For CW-L the evaluation will further prioritize the following (in no specific order):

- experience in construction of underneath passes of live railways and motorways;
- experience of working in a busy town centre environment;
- experience of working in close proximity to existing buildings and structures.

For CW-GL the evaluation will prioritize the above mentioned for CW-L and CW-G (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.

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

If an entity 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 HL'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, HL 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 HL's prior written acceptance.

When assessing whether to accept the change, HL 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 (if any) of general interest from potential applicants will be answered and uploaded to www.bascon.dk/da/udbud

Hovedstadens Letbane 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 the application does not include 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 info-document.

VI.4) **Procedures for appeal**

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

Klagenævnet for Udbud
Dahlerup Pakhus, Langelinie Allé 17
2100 Copenhagen 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 35
2500 Valby
DENMARK
E-mail: kfst@kfst.dk
Telephone: +45 41715000
Internet address: www.kfst.dk

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

5.11.2015