

DENMARK - HARBOUR CONSTRUCTION WORKS - EXPANSION NORTH - HIRTSHALS

5/2024

Contract or concession notice – standard regime

1. Buyer

1.1 Buyer

Official name: Port of Hirtshals

Legal type of the buyer: Body governed by public law

Activity of the contracting authority: General public services

Activity of the contracting entity: Port-related activities

2. Procedure

2.1 Procedure

Title: Expansion North - Hirtshals

Description: Port of Hirtshals is a public limited port company subject to regulation in the Danish law for harbours called "havneloven". Port of Hirtshals currently comprises the following facilities: - West harbour at Hirtshals with small ship yard, fishing boats and the fish auction terminal - East harbour at Hirtshals with 3 big ferry terminals, big fishing boats with related cold storage facilities and a bigger ship yard. Port of Hirtshals has a total area of approximately 1.1 million square metres and is already among the 10 largest ports in Denmark in terms of turnover. As a result of the growing transit from and to Norway and the Atlantic area, Port of Hirtshals sees a demand and a need to accommodate bigger vessels calling the harbour and being a harbour towards the North Sea which is challenging in all-weather situations all year around. The ambition is to map Port of Hirtshals as a key port in the northern part of Denmark both towards Norway and the Atlantic but also as a suited transit port going in and out of the Baltic Sea. With the improved entrance enabling larger vessels to call the port, it should be a commercial decision to use the port and not a maritime decision, meaning that vessels can enter safely in all-weather all year round. Furthermore, the port will develop new logistic areas with long berths with possible Ro-Ro facilities. The port is part of the business Greenport Scandinavia establishing a hub for CO2 storage with storage facilities on land both coming in from emitters around the Baltic Sea but also going out into the end storage below the North Sea. In order to meet the need for quay areas and hinterlands as well as to meet existing customers' needs, Port of Hirtshals wants to carry out a major port expansion to the North. Port of Hirtshals has decided that the overall purpose of the port expansion is: - To improve maritime access - To establish approx. 1,000 m of new efficient quay excl. quay needed to establish the RoRo berths - To establish 1 new quay for RoRo berthing but prepared for a second RoRo berth - To establish new hinterlands for port-related businesses. Port of Hirtshals has prepared a preliminary project that fulfils the overall wishes that Port of Hirtshals has for the port expansion. Reference is made to the project descriptions (PD1-PD6). The tenderer may use this preliminary project as inspiration for the tenderers tender. If the tenderer has suggestions for improvements or needs to minimize construction costs, Port of Hirtshals is not dismissive in relation to this. It is a requirement that delivery in accordance with the turnkey contract and ABT18 can take place no later than December 2027. All communication during the tender process must be in Danish or English. The tender is conducted electronically using the electronic tendering platform The applicant/ tenderer must therefore be registered as a licence holder in order to participate in the tender. Registration as a licence holder is free of charge.

Questions regarding including matters relating to registration as a licence holder, must be submitted directly to via the support function.s support can be reached by telephone on +45 7022 7007. The tender material will only be available. All inquiries regarding this tender must be submitted in writing via *Procedure identifier*: b0b28c0c-9d05-4142-af51-12da8e481289

Internal identifier: Tender for a contract for the design and construction work concerning the expansion North Hirtshals

Type of procedure: Negotiated with prior publication of a call for competition / competitive with negotiation

The procedure is accelerated: No

Main features of the procedure: The tender is conducted as a negotiated procedure in accordance with Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement procedures for water, energy, transport and postal services and subsequent amendments (the Utilities Directive) as implemented by Executive Order no. 1624 of 15 December 2015 on procurement procedures for water, energy, transport and postal services (the "Implementation Order"). The tender process means that the process is divided into two phases: a prequalification phase (phase 1) and a bidding phase (phase 2). The tender process will therefore mainly include the following activities: 1. Companies can apply for prequalification based on the contract notice. 2. Based on the prequalification applications received, 3-4 companies are prequalified to submit initial offers. 3. The prequalified companies submit initial offers. 4. After the tender deadline, and based on the initial offers, Port of Hirtshals will make an award decision or, alternatively, Port of Hirtshals will decide to enter into negotiations. 5. If Port of Hirtshals initiates negotiations, Port of Hirtshals negotiates with the tenderers on the basis of their initial offer. 6. After the negotiation process is completed, the tenderers submit a final offer, after which Port of Hirtshals awards the turnkey contract to the tenderer who has submitted the offer that reflects the best price-quality ratio. A prerequisite for being able to submit an offer - and thus participate in phase 2 of the tender procedure (points 3-6 above) - is that the company has applied to be prequalified and that Port of Hirtshals has assessed that the company is eligible. Only the 3-4 most eligible applicants will be invited to submit an

offer. Deadline for application for prequalification is 9 February 2024 at 12:00. Expected notification of selection of applicants is 23 February 2024. Deadline for submission of initial tenders is 30 April 2024 at 12:00. If Port of Hirtshals decides to conduct negotiations meetings, they will expected to be held on 29 May 2024 – 31 May 2024. Expected deadline for submission of final tenders is 6 September 2024. Expected notification of award decision is 7 October 2024. Note: Port of Hirtshals reserves the right to award the turnkey contract on the basis of the initial offers.

2.1.1 Purpose

Nature of the contract: Works

Main classification (cpv): 45241000 Harbour construction works

Additional classification (cpv): 45112600 Cut and fill

Additional classification (cpv): 45221111 Road bridge construction work

Additional classification (cpv): 45241100 Quay construction work

Additional classification (cpv): 45243200 Breakwater construction work

Additional classification (cpv): 45243600 Quay wall construction work

Additional classification (cpv): 71322000 Engineering design services for the construction of civil engineering works

Additional classification (cpv): 71323200 Plant engineering design services

Additional classification (cpv): 71332000 Geotechnical engineering services

2.1.2 Place of performance

Postal address: Norgeskaj 11

Town: Hirtshals

Postcode: 9850

Country subdivision (NUTS): Nordjylland (DK050)

Country: Denmark

Additional information: The work must be carried out at the Port of Hirtshals.

2.1.3 Value

Estimated value excluding VAT: 145,000,000 EUR

2.1.4 General information

Additional information: Applicants must declare that they do not find themselves subject to any of the below mentioned grounds for exclusion. Such declaration is made by completing part III, Clauses A, B and C, of the ESPD. Applicants who are in a mandatory ground for exclusion, cf. sections 135-136 of the Danish Public Procurement Act, cf. section 10(1)(1) of the Implementation Order, will be excluded from participation and will not be considered for the turnkey contract unless the applicant presents documentation to be reliable, cf. section 138 of the Danish Public Procurement Act, cf. section 10(1)(2) of the Implementation Order. For the sake of good order, it should be noted in this context that pursuant to section 134a of the Danish Public Procurement Act, Port of Hirtshals must exclude an applicant from participation in the tender procedure if the applicant is established in a country that is included in the EU list of non-cooperative tax jurisdictions and has not acceded to the WTO Government Procurement Agreement or other trade agreements that oblige Denmark to open the market for public contracts to tenderers established in the country in question. Port of Hirtshals will verify the absence of the grounds for exclusion prior to the award decision. Similarly, applicants who are in one of the voluntary grounds for exclusion mentioned in section 137(1)(1)-(6) of the Danish Public Procurement Act, cf. section 10(1)(1) of the Implementation Order, will be excluded from participation and will not be considered for the turnkey contract unless the applicant presents documentation of reliability, cf. section 138 of the Danish Public Procurement Act, cf. section 10(1)(2) of the Implementation Order. Documentation: Upon request, i.e. not as part of the application, applicants must submit a service certificate (Danish companies) or equivalent documentation (foreign companies (eCertis (europa.eu))) as proof that the applicant is not in one of the above-mentioned grounds for exclusion. Port of Hirtshals will accept service certificates issued after 1 January 2024. The service certificate will be required of the companies that are prequalified, cf. section 151(2) of the Danish Public Procurement Act, cf. section 11 of the Implementation Order. In accordance with section 7(2) of Consolidated Act No. 593 of June 2, 2016, on the Complaints Board for Public Procurement (hereinafter referred to as the "Act on the Complaints Board for Public Procurement"), the following deadlines apply for submitting a complaint: Complaints about tenders or decisions covered by Sections II or III of the Public Procurement Act or the Utilities Directive, which are not covered by paragraph 1, must be submitted to the Complaints Board for Public Procurement within: - 20 calendar days from the day after the dispatch of a notification to the affected applicants regarding the selected party, cf. Section 171(2) of the Public Procurement Act, when the notification is accompanied by a justification for the decision; - 45 calendar days after the contracting authority has published a notice in the Official Journal of the European Union that the contracting authority has entered into a contract. The deadline is calculated from the day after the publication of the notice; - 30

calendar days from the day after the contracting authority has notified the affected bidders that a contract based on a framework agreement with a reopening of competition or a dynamic purchasing system has been entered into, if the notification has provided a justification for the decision; - 6 months after the contracting authority has entered into a framework agreement, calculated from the day after the contracting authority has notified the affected applicants and bidders, cf. Section 2, paragraph 2, or Section 171, paragraph 4 of the Public Procurement Act; - 20 calendar days from the day after the contracting authority has announced its decision, cf. Section 185, paragraph 2, 2nd sentence of the Public Procurement Act. A complaint that the contracting authority, in violation of the Public Procurement Act or the Utilities Directive, has entered into a contract without prior publication of a contract notice in the Official Journal of the European Union must be submitted to the Complaints Board for Public Procurement within 30 calendar days from the day after the contracting authority, in accordance with Section 4 of the Act on the Complaints Board for Public Procurement, has published a notice in the Official Journal of the European Union that the contracting authority has entered into a contract, provided that the notice contains the justification for the contracting authority's decision to award the contract without prior publication of a contract notice in the Official Journal of the European Union. In accordance with Section 6, paragraph 4 of the Act on the Complaints Board for Public Procurement, the complainant must, no later than simultaneously with the submission of a complaint to the Complaints Board for Public Procurement, inform the contracting authority in writing that a complaint has been submitted to the Complaints Board for Public Procurement and whether the complaint has been submitted during the standstill period, cf. Section 3, paragraph 1 of the Act. In cases where the complaint has not been submitted during the standstill period, the complainant must also indicate whether a suspensory effect of the complaint is requested, cf. Section 12, paragraph 1 of the Act. The Complaints Board for Public Procurement's own complaint guide can be found [Following the notification](#), a standstill period of 10 calendar days will be held in accordance to paragraph 3 of Act No. 593 of 2 June 2016 on the Danish Act on the Complaints Board for public Procurement. This implies that the customer cannot sign the contract with the winning tenderer before the standstill period has expired. A fee of DKK 350,000 excluding VAT will be paid to the 3-4 applicants who are prequalified and who submit an initial offer, provided that the initial offer is compliant. If Port of Hirtshals chooses to conduct negotiations with the tenderers, an additional payment of DKK 150,000 excl. VAT will be paid to the tenderers who submit a final offer, provided that the final offer is compliant. The winning tenderer is not entitled to receive remuneration for its participation in the tender process. On this basis, the remuneration is only paid at the time when the tender process is finalized, i.e. at the time of publication of the announcement of the turnkey contract. *Legal basis:* Directive 2014/25/EU

2.1.6 *Grounds for exclusion*

Analogous situation like bankruptcy under national law: Is the economic operator in in any analogous situation like bankruptcy arising from a similar procedure under national laws and regulations? This information needs not be given if exclusion of economic operators in this case has been made mandatory under the applicable national law without any possibility of derogation where the economic operator is nevertheless able to perform the contract.

Bankruptcy: Is the economic operator bankrupt? This information needs not be given if exclusion of economic operators in this case has been made mandatory under the applicable national law without any possibility of derogation where the economic operator is nevertheless able to perform the contract.

Corruption: Has the economic operator itself or any person who is a member of its administrative, management or supervisory body or has powers of representation, decision or control therein been the subject of a conviction by final judgment for corruption, by a conviction rendered at the most five years ago or in which an exclusion period set out directly in the conviction continues to be applicable? As defined in Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union, OJ C 195, 25.6.1997, p. 1, and in Article 2(1) of Council Framework Decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector (OJ L 192, 31.7.2003, p. 54). This exclusion ground also includes corruption as defined in the national law of the contracting authority (contracting entity) or the economic operator.

Arrangement with creditors: Is the economic operator in arrangement with creditors? This information needs not be given if exclusion of economic operators in this case has been made mandatory under the applicable national law without any possibility of derogation where the economic operator is nevertheless able to perform the contract.

Participation in a criminal organisation: Has the economic operator itself or any person who is a member of its administrative, management or supervisory body or has powers of representation, decision or control therein been the subject of a conviction by final judgment for participation in a criminal organisation, by a conviction rendered at the most five years ago or in which an exclusion period set out directly in the conviction continues to be applicable? As defined in Article 2 of Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime (OJ L 300, 11.11.2008, p. 42).

Agreements with other economic operators aimed at distorting competition: Has the economic operator entered into agreements with other economic operators aimed at distorting competition?

Breaching of obligations in the fields of environmental law: Has the economic operator, to its knowledge, breached its obligations in the field of environmental law? As referred to for the purposes of this procurement in national law, in the relevant notice or the procurement documents or in Article 18(2) of Directive 2014/24/EU.

Money laundering or terrorist financing: Has the economic operator itself or any person who is a member of its administrative, management or supervisory body or has powers of representation, decision or control therein been the subject of a conviction by final judgment for money laundering or terrorist financing, by a conviction rendered at the most five years ago or in which an exclusion period set out directly in the conviction continues to be applicable? As defined in Article 1 of Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing (OJ L 309, 25.11.2005, p. 15).

Fraud: Has the economic operator itself or any person who is a member of its administrative, management or supervisory body or has powers of representation, decision or control therein been the subject of a conviction by final judgment for fraud, by a conviction rendered at the most five years ago or in which an exclusion period set out directly in the conviction continues to be applicable? Within the meaning of Article 1 of the Convention on the protection of the European Communities' financial interests (OJ C 316, 27.11.1995, p. 48).

Child labour and other forms of trafficking in human beings: Has the economic operator itself or any person who is a member of its administrative, management or supervisory body or has powers of representation, decision or control therein been the subject of a conviction by final judgment for child labour and other forms of trafficking in human beings, by a conviction rendered at the most five years ago or in which an exclusion period set out directly in the conviction continues to be applicable? As

defined in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA (OJ L 101, 15.4.2011, p. 1).

Insolvency: Is the economic operator the subject of insolvency or winding-up? This information needs not be given if exclusion of economic operators in this case has been made mandatory under the applicable national law without any possibility of derogation where the economic operator is nevertheless able to perform the contract.

Breaching of obligations in the fields of labour law: Has the economic operator, to its knowledge, breached its obligations in the field of labour law? As referred to for the purposes of this procurement in national law, in the relevant notice or the procurement documents or in Article 18(2) of Directive 2014/24/EU.

Assets being administered by liquidator: Are the assets of the economic operator being administered by a liquidator or by the court? This information needs not be given if exclusion of economic operators in this case has been made mandatory under the applicable national law without any possibility of derogation where the economic operator is nevertheless able to perform the contract.

Guilty of misrepresentation, withheld information, unable to provide required documents and obtained confidential information of this procedure: Can the economic operator confirm that: a) It has been guilty of serious misrepresentation in supplying the information required for the verification of the absence of grounds for exclusion or the fulfilment of the selection criteria, b) It has withheld such information, c) It has not been able, without delay, to submit the supporting documents required by a contracting authority or contracting entity, and d) It has undertaken to unduly influence the decision making process of the contracting authority or contracting entity, to obtain confidential information that may confer upon it undue advantages in the procurement procedure or to negligently provide misleading information that may have a material influence on decisions concerning exclusion, selection or award?

Purely national exclusion grounds: Other exclusion grounds that may be foreseen in the national legislation of the contracting authority's or contracting entity's Member State. Has the economic operator breached its obligations relating to the purely national grounds of exclusion, which are specified in the relevant notice or in the procurement documents?

Conflict of interest due to its participation in the procurement procedure: Is the economic operator aware of any conflict of interest, as indicated in national law, the relevant notice or the procurement documents due to its participation in the procurement procedure?

Direct or indirect involvement in the preparation of this procurement procedure: Has the economic operator or an undertaking related to it advised the contracting authority or contracting entity or otherwise been involved in the preparation of the procurement procedure?

Guilty of grave professional misconduct: Is the economic operator guilty of grave professional misconduct? Where applicable, see definitions in national law, the relevant notice or the procurement documents.

Early termination, damages or other comparable sanctions: Has the economic operator experienced that a prior public contract, a prior contract with a contracting entity or a prior concession contract was terminated early, or that damages or other comparable sanctions were imposed in connection with that prior contract?

Breaching of obligations in the fields of social law: Has the economic operator, to its knowledge, breached its obligations in the field of social law? As referred to for the purposes of this procurement in national law, in the relevant notice or the procurement documents or in Article 18(2) of Directive 2014/24/EU.

Payment of social security contributions: Has the economic operator breached its obligations relating to the payment social security contributions, both in the country in which it is established and in Member State of the contracting authority or contracting entity if other than the country of establishment?

Business activities are suspended: Are the business activities of the economic operator suspended? This information needs not be given if exclusion of economic operators in this case has been made mandatory under the applicable national law without any possibility of derogation where the economic operator is nevertheless able to perform the contract.

Payment of taxes: Has the economic operator breached its obligations relating to the payment of taxes, both in the country in which it is established and in Member State of the contracting authority or contracting entity if other than the country of establishment?

Terrorist offences or offences linked to terrorist activities: Has the economic operator itself or any person who is a member of its administrative, management or supervisory body or has powers of representation, decision or control therein been the subject of a conviction by final judgment for terrorist offences or offences linked to terrorist activities, by a conviction rendered at the most five years ago or in which an exclusion period set out directly in the conviction continues to be applicable? As defined in Articles 1 and 3 of Council Framework Decision of 13 June 2002 on combating terrorism (OJ L 164, 22.6.2002, p. 3). This exclusion ground also includes inciting or aiding or abetting or attempting to commit an offence, as referred to in Article 4 of that Framework Decision.

5. Lot

5.1 Lot: LOT-0000

Title: Expansion North - Hirtshals

Description: Port of Hirtshals is a public limited port company subject to regulation in the Danish law for harbours called "havneloven". Port of Hirtshals currently comprises the following facilities: - West harbour at Hirtshals with small ship yard, fishing boats and the fish auction terminal - East harbour at Hirtshals with 3 big ferry terminals, big fishing boats with related cold storage facilities and a bigger ship yard. Port of Hirtshals has a total area of approximately 1.1 million square metres and is already among the 10 largest ports in Denmark in terms of turnover. As a result of the growing transit from and to Norway and the Atlantic area, Port of Hirtshals sees a demand and a need to accommodate bigger vessels calling the harbour and being a harbour towards the North Sea which is challenging in all-weather situations all year around. The ambition is to map Port of Hirtshals as a key port in the northern part of Denmark both towards Norway and the Atlantic but also as a suited transit port going in and out of the Baltic Sea. With the improved entrance enabling larger vessels to call the port, it should be a commercial decision to use the port and not a maritime decision, meaning that vessels can enter safely in all-weather all year round. Furthermore, the port will develop new logistic areas with long berths with possible Ro-Ro facilities. The port is part of the business Greenport Scandinavia establishing a hub for CO2 storage with storage facilities on land both coming in from emitters around the Baltic Sea but also going out into the end storage below the North Sea. In order to meet the need for quay areas and hinterlands as well as to meet existing customers' needs, Port of Hirtshals wants to carry out a major port expansion to the North. Port of Hirtshals has decided that the overall purpose of the port expansion is: - To improve maritime access - To establish approx. 1,000 m of new efficient quay excl. quay needed to establish the RoRo berths - To establish 1 new quay for RoRo berthing but prepared for a second RoRo berth - To establish new hinterlands for port-related businesses. Port of Hirtshals has prepared a preliminary project that fulfils the overall wishes that Port of Hirtshals has for

the port expansion. Reference is made to the project descriptions (PD1-PD6). The tenderer may use this preliminary project as inspiration for the tenderer's tender. If the tenderer has suggestions for improvements or needs to minimize construction costs, Port of Hirtshals is not dismissive in relation to this. It is a requirement that delivery in accordance with the turnkey contract and ABT18 can take place no later than December 2027. All communication during the tender process must be in Danish or English. The tender is conducted electronically using the electronic tendering platform The applicant/ tenderer must therefore be registered as a licence holder in order to participate in the tender. Registration as a licence holder is free of charge. Questions regarding including matters relating to registration as a licence holder, must be submitted directly to the support function. The support can be reached by telephone on +45 7022 7007. The tender material will only be available All inquiries regarding this tender must be submitted in writing via [Internal identifier](#). Tender for a contract for the design and construction work concerning the expansion North Hirtshals

5.1.1 Purpose

Nature of the contract: Works

Main classification (cpv): 45241000 Harbour construction works

Additional classification (cpv): 45112600 Cut and fill

Additional classification (cpv): 45221111 Road bridge construction work

Additional classification (cpv): 45241100 Quay construction work

Additional classification (cpv): 45243200 Breakwater construction work

Additional classification (cpv): 45243600 Quay wall construction work

Additional classification (cpv): 71322000 Engineering design services for the construction of civil engineering works

Additional classification (cpv): 71323200 Plant engineering design services

Additional classification (cpv): 71332000 Geotechnical engineering services

Options:

Description of the options: Port of Hirtshals has the right to purchase one or more of the following options: - Option 1: Additional design depth for quay structures - Option 2.1: Heavy load area with a design depth of 12,0 m - Option 2.2: Heavy load area with a design depth of 13,0 m - Option 3.1: Additional dredging to a depth of 12,0 m - Option 3.2: Additional dredging to a depth of 13,0 m The purpose of the options is that Port of Hirtshals have an opportunity to assess whether the option should be carried out or not. The option must therefore be priced according to market conditions. More information regarding the options appears in the tender material, especially in the project descriptions (PD1-PD6).

5.1.2 Place of performance

Postal address: Norgeskaj 11

Town: Hirtshals

Postcode: 9850

Country subdivision (NUTS): Nordjylland (DK050)

Country: Denmark

Additional information: The work must be carried out at the Port of Hirtshals.

5.1.3 Estimated duration

Other duration: Unknown

5.1.4 *Renewal*

Maximum renewals: 0

5.1.5 *Value*

Estimated value excluding VAT: 145,000,000 EUR

5.1.6 *General information*

Reserved participation: Participation is not reserved.

Procurement Project fully or partially financed with EU Funds.

The procurement is covered by the Government Procurement Agreement (GPA)

Additional information: Applicants must declare that they do not find themselves subject to any of the below mentioned grounds for exclusion. Such declaration is made by completing part III, Clauses A, B and C, of the ESPD. Applicants who are in a mandatory ground for exclusion, cf. sections 135-136 of the Danish Public Procurement Act, cf. section 10(1)(1) of the Implementation Order, will be excluded from participation and will not be considered for the turnkey contract unless the applicant presents documentation to be reliable, cf. section 138 of the Danish Public Procurement Act, cf. section 10(1)(2) of the Implementation Order. For the sake of good order, it should be noted in this context that pursuant to section 134a of the Danish Public Procurement Act, Port of Hirtshals must exclude an applicant from participation in the tender procedure if the applicant is established in a country that is included in the EU list of non-cooperative tax jurisdictions and has not acceded to the WTO Government Procurement Agreement or other trade agreements that oblige Denmark to open the market for public contracts to tenderers established in the country in question. Port of Hirtshals will verify the absence of the grounds for exclusion prior to the award decision. Similarly, applicants who are in one of the voluntary grounds for exclusion mentioned in section 137(1)(1)-(6) of the Danish Public Procurement Act, cf. section 10(1)(1) of the Implementation Order, will be excluded from participation and will not be considered for the turnkey contract unless the applicant presents documentation of reliability, cf. section 138 of the Danish Public Procurement Act, cf. section 10(1)(2) of the Implementation Order. Documentation: Upon request, i.e. not as part of the application, applicants must submit a service certificate (Danish companies) or equivalent documentation (foreign companies (eCertis (europa.eu))) as proof that the applicant is not in one of the above-mentioned grounds for exclusion. Port of Hirtshals will accept service certificates issued after 1 January 2024. The service certificate will be required of the companies that are prequalified, cf. section 151(2) of the Danish Public Procurement Act, cf. section 11 of the Implementation Order. In accordance with section 7(2) of Consolidated Act No. 593 of June 2, 2016, on the Complaints Board for Public Procurement (hereinafter referred to as the "Act on the Complaints Board for Public Procurement"), the following deadlines apply for submitting a complaint: Complaints about tenders or decisions covered by Sections II or III of the Public Procurement Act or the Utilities Directive, which are not covered by paragraph 1, must be submitted to the Complaints Board for Public Procurement within: - 20 calendar days from the day after the dispatch of a notification to the affected applicants regarding the selected party, cf. Section 171(2) of the Public Procurement Act, when the notification is accompanied by a justification for the decision; - 45 calendar days after the contracting authority has published a notice in the Official Journal of the European Union that the contracting authority has entered into a contract. The deadline is calculated from the day after the publication of the notice; - 30 calendar days from the day after the contracting authority has notified the affected bidders that a contract based on a framework agreement with a reopening of competition or a dynamic purchasing system has been entered into, if the notification has provided a justification for the decision; - 6 months after the contracting authority has entered into a framework agreement, calculated from the

day after the contracting authority has notified the affected applicants and bidders, cf. Section 2, paragraph 2, or Section 171, paragraph 4 of the Public Procurement Act; - 20 calendar days from the day after the contracting authority has announced its decision, cf. Section 185, paragraph 2, 2nd sentence of the Public Procurement Act. A complaint that the contracting authority, in violation of the Public Procurement Act or the Utilities Directive, has entered into a contract without prior publication of a contract notice in the Official Journal of the European Union must be submitted to the Complaints Board for Public Procurement within 30 calendar days from the day after the contracting authority, in accordance with Section 4 of the Act on the Complaints Board for Public Procurement, has published a notice in the Official Journal of the European Union that the contracting authority has entered into a contract, provided that the notice contains the justification for the contracting authority's decision to award the contract without prior publication of a contract notice in the Official Journal of the European Union. In accordance with Section 6, paragraph 4 of the Act on the Complaints Board for Public Procurement, the complainant must, no later than simultaneously with the submission of a complaint to the Complaints Board for Public Procurement, inform the contracting authority in writing that a complaint has been submitted to the Complaints Board for Public Procurement and whether the complaint has been submitted during the standstill period, cf. Section 3, paragraph 1 of the Act. In cases where the complaint has not been submitted during the standstill period, the complainant must also indicate whether a suspensory effect of the complaint is requested, cf. Section 12, paragraph 1 of the Act. The Complaints Board for Public Procurement's own complaint guide can be found Following the notification, a standstill period of 10 calendar days will be held in accordance to paragraph 3 of Act No. 593 of 2 June 2016 on the Danish Act on the Complaints Board for public Procurement. This implies that the customer cannot sign the contract with the winning tenderer before the standstill period has expired. A fee of DKK 350,000 excluding VAT will be paid to the 3-4 applicants who are prequalified and who submit an initial offer, provided that the initial offer is compliant. If Port of Hirtshals chooses to conduct negotiations with the tenderers, an additional payment of DKK 150,000 excl. VAT will be paid to the tenderers who submit a final offer, provided that the final offer is compliant. The winning tenderer is not entitled to receive remuneration for its participation in the tender process. On this basis, the remuneration is only paid at the time when the tender process is finalized, i.e. at the time of publication of the announcement of the turnkey contract.

5.1.9 *Selection criteria*

Criterion:

Type: Economic and financial standing

Name: Economic and financial standing

Description: Applicants must fulfil the following minimum requirements: - An annual turnover of at least EUR 25 million in each of the last three completed financial years. - A solvency ratio of at least 15 % in each of the last three completed financial years. - An equity capital of at least EUR 15 million in each of the last three completed financial years. - The auditor must not in the most recently completed financial year have expressed reservations about the applicant's continued operation ("going concern", i.e. the presumption of the company's continued operation). "Completed financial years" means the three most recent financial years for which there are approved financial statements. If the applicant is a consortium/similar association or relies on the economic or financial capacity of other entities (e.g. support services) to fulfil the minimum requirements, a separate ESPD must be submitted for each participant in the consortium/association. In addition, for applicants relying on the capacity of other entities for the fulfilment of the minimum requirements, the applicant must submit, as part of the documentation, a statement of support or equivalent documentation proving that the entity

in question is legally committed to the applicant. If an applicant relies on the economic and financial capacity of other entities, this entity must assume joint and several liability for the applicant's obligations under the turnkey contract. If the applicant cannot provide all information regarding economic and financial capacity because the applicant has been established within the last year, the applicant must state this in the ESPD. Note: The minimum requirements set out apply equally to start-ups. Documentation: On request, i.e. not as part of the application, applicants must submit the most recent audited annual accounts or a corresponding auditor's report on the requested financial key figures if Port of Hirtshals cannot access this information on a publicly available site (CVR.dk or the applicant's own website).

Use of this criterion: Used

Criterion:

Type: Other

Name: Quality assurance and environmental management standards

Description: The applicant must fulfil the following minimum requirements for the applicant's quality assurance standards: - ISO 9000 quality management system or equivalent - ISO 9001 quality management system or equivalent. Documentation: The applicant shall provide evidence of its quality management system in the form of a copy of a certificate or other evidence, documentation or a certified statement.

Use of this criterion: Used

Criterion:

Type: Suitability to pursue the professional activity

Use of this criterion: Not used

Criterion:

Type: Technical and professional ability

Name: Technical and professional capabilities

Description: The applicant must fulfil the following minimum requirements: - The applicant must have carried out at least 1 similar assignment/reference that is ongoing or completed within the last 10 years (calculated from the application deadline). The determination of the 10 years is based on an assessment that this is necessary to ensure sufficient competition. The assignments/references are considered "completed" when the construction work is considered handed over in accordance with AB92/ABT93 or AB18/ABT18. "Similar assignments/references" means that: - The assignment /reference has a total contract value of minimum EUR 30 million, where the applicant must have executed a major share of the works (minimum 30 % of the Contract value), and - The assignment /reference has included: - Establishing breakwaters - Quays, including sheet piling, quay caps and quayside aprons, and - Dredging and reclamation. The applicant must submit assignments /references, which should include a description of the nature and scope of the assignments /references, the building owner of the assignment/reference, contract value with in-house share, location, time of performance of the assignment/reference, contact person and which part of the assignment/reference the applicant has been responsible for the execution of. Applicants are encouraged to list a maximum of 5 assignments/references. Providing more than 5 assignments /references will not result in the application being considered non-compliant. However, Port of Hirtshals will only emphasize the first 5 assignments/references in the selection, which is why the applicant is requested to number the assignments/references by stating no. 1, no. 2, etc. Note: If the applicant is a consortium/similar association or relies on the technical or professional capabilities of other entities (e.g. support services) to fulfil the minimum requirements, a separate ESPD must be submitted for each participant in the consortium/association. In addition, for applicants relying on the

capacity of other entities to fulfil the minimum requirements, the applicant must provide, as part of the documentation, a statement of support or equivalent documentation proving that the entity in question is legally committed to the applicant. Documentation: The reference list to be included in the ESPD is considered by Port of Hirtshals to be the final documentation of the applicant's technical and professional capabilities. In the event that Port of Hirtshals receives applications from more than 3-4 eligible companies/consortia, Port of Hirtshals will select the 3-4 most eligible companies/ consortia. When assessing which companies/consortia are most eligible, Port of Hirtshals will emphasize the following: - How large a part of the execution of the assignment/reference the applicant has been responsible for as a larger part weighs more positively than a smaller part - That the applicant's assignments/references are relevant, meaning that: - The assignments/references are of the same complexity as the tender, including that the assignments/references have included a port expansion with the establishment of quays, including sheet piling, quay caps and quayside aprons, as well as the establishment of breakwaters, dredging and reclamation. - The assignments/references are new - The contract value is essentially identical to the budgeted construction budget. For the purpose of selection, the applicant must complete the ESPD, section V. With regard to the above, the applicant may refer to the information provided for the assessment of the fulfilment of the minimum requirements. Port of Hirtshals encourages the applicant to prioritize the list of references so that the most relevant is listed as no. 1, the next most relevant reference as no. 2 and so on. If more than 5 references are stated, Port of Hirtshals will only emphasize the first 5 references in the applicant's prioritized list or the 5 references that appear first in the ESPD.

Use of this criterion: Used

The criteria will be used to select the candidates to be invited for the second stage of the procedure

Information about the second stage of a two-stage procedure:

Minimum number of candidates to be invited for the second stage of the procedure: 3

Maximum number of candidates to be invited for the second stage of the procedure: 4

5.1.10 Award criteria

Criterion:

Type: Price

Name: Price

Description: In the evaluation of the sub-criterion "Price", Port of Hirtshals will emphasize the total evaluation technical tender price excluding VAT, which is stated in the Form of Bill of Quantities, see Appendix "6. Bill of Quantities". The total evaluation technical tender price is calculated on the basis of the total tender price for the full port expansion as well as the sum of the option prices, i.e. option 1, option 2.1, option 2.2, option 3.1, option 3.2, where the sum of the option prices is included in the total evaluation technical tender price with 75 % of their total value. For the purpose of the evaluation of the tender in relation to the sub-criterion "Price", the tenderer must complete and sign Appendix "6. Bill of Quantities" included in the tender documents. The sections in the Form of Bill of Quantities marked in yellow must be completed. All prices in the Form of Bill of Quantities must be stated in DKK excluding VAT. Note: An uncompleted record or a completed record with DKK 0 or with characters or letters means that the tenderer will be obliged to provide the services at DKK 0.

Weight (percentage, exact): 50

Criterion:

Type: Quality

Name: Quality

Description: When evaluating the sub-criterion "Quality", Port of Hirtshals will emphasize the following sub-subcriteria (weighting in brackets): - "Technical quality" (60 %) - "Organization and key persons" (20 %) - "Timetable and risk management" (20 %). With the sub-subcriterion "Technical quality" Port of Hirtshals will attach great importance to whether the tenderer's present drawings and descriptions that provide Port of Hirtshals with reassurance that the technical quality required, according to the minimum requirements as well as the requirements specified in the PD's, especially PD1, PD2, PD3, and PD4, can be achieved. When evaluating the sub-subcriterion, Port of Hirtshals will emphasize that: - The tenderer's drawings and descriptions for the offered port layout, i.e., the port configuration for quay and pier placements covered by PD1, are well thought out, carefully considered, especially in relation to navigational conditions. - The tenderer's drawings and descriptions for the work covered by PD2 are well thought out, robust, and well-documented, providing Port of Hirtshals with confidence that the existing and new structures can be secured throughout the execution phase. - The tenderer's drawings and the process itself for the work covered by PD3 are well-considered, including providing Port of Hirtshals with confidence that: - The tenderer will focus on ongoing erosion and sedimentation during the execution phase. - The tenderer will focus on excavation spill during the execution phase. - The tenderer will focus on handling and incorporation of various materials, including focusing on Port of Hirtshals and the tenderer's own criteria for fulfilling PD4 and PD5. - The tenderer's drawings and descriptions for the work covered by PD4 are well thought out, robust, and well-documented, including the tenderer's ability to provide Port of Hirtshals with confidence that the tenderer understands and can manage the connection between the works covered by PD3 and PD4. The above is weighted equally in the evaluation of the sub-subcriterion "Technical quality". When evaluating the sub-subcriterion "Organization and key persons", Port of Hirtshals will emphasize that: - The offered key persons have relevant experience, including that the project managers and assistant project managers have in-depth and solid experience from comparable port expansion projects - The offered key persons' contribution to the port expansion project is relevant and that the composition of the key persons is optimal in relation to the port expansion project - The organization possesses sufficient resources and competencies for the implementation of the port expansion of Port of Hirtshals - The project organization possesses sufficient competencies and resources to ensure that the project organization is robust, including that the project organization has experience in managing and coordinating similar port expansion projects - The project organization understands and can navigate a project that has political attention - The tenderer's approach to working with Port of Hirtshals and its advisors. The above is weighted equally in the evaluation of the sub-subcriterion "Organization and key persons". When evaluating the sub-subcriterion "Timetable and risk management", Port of Hirtshals will emphasize that: - The tenderer's timetable including milestones being on critical path for the execution of the port expansion project appears realistic, robust and detailed, including that the timetable has well-defined activities and milestones (Note: it is a requirement that delivery in accordance with ABT18 can take place no later than December 2027, cf. the draft turnkey contract and appendix B.1.1, section 2.2) - The tenderer's ability to "man up" on the port expansion project, including preventing and catching up on any delays - Throughout the project, the tenderer has a special focus on the risks that may occur - The tenderer can manage the risks that may occur so that the tenderer consistently focuses on creating progress in the port expansion project, including that the tenderer focuses on preventive and corrective actions to minimize the risks. The above is weighted equally in the evaluation of the sub-subcriterion "Timetable and risk management".

Weight (percentage, exact): 50

5.1.11 *Procurement documents*

Languages in which the procurement documents are officially available: ENG

Deadline for requesting additional information: 2024-01-29+01:00 00:00:00+01:00

Address of the procurement documents:

5.1.12 *Terms of procurement*

Terms of the procedure:

Estimated date of dispatch of the invitations to submit tenders: 2024-02-23+01:00

Terms of submission:

Electronic submission: Required

Address for submission:

Languages in which tenders or requests to participate may be submitted: English, Danish

Electronic catalogue: Not allowed

Variants: Not allowed

Terms of contract:

Conditions relating to the performance of the contract: The turnkey contract regulates conditions of performance, including liquidated damages for delay and for removal of key persons without prior approval.

A non-disclosure agreement is required

Electronic invoicing: Required

Electronic ordering will be used

Electronic payment will be used

Financial arrangement: Reference is made to the relevant section in the turnkey contract.

Information about review deadlines: Deadline for application for prequalification is 9 February 2024 at 12:00. Expected notification of selection of applicants is 23 February 2024. Deadline for submission of initial tenders is 30 April 2024 at 12:00. If Port of Hirtshals decides to conduct negotiations meetings, they will expected to be held on 29 May 2024 – 31 May 2024. Expected deadline for submission of final tenders is 6 September 2024. Expected notification of award decision is 7 October 2024. Port of Hirtshals reserves its rights to change the time schedule for the tender. Note: Port of Hirtshals reserves the right to award the turnkey contract on the basis of the initial offers.

5.1.15 *Techniques*

Framework agreement:

No framework agreement

Information about the dynamic purchasing system

No dynamic purchase system

Electronic auction:

5.1.16 *Further information, mediation and review*

Review organisation: Danish Complaints Board for Public Procurement

Organisation providing additional information about the procurement procedure: Port of Hirtshals

Organisation providing offline access to the procurement documents: Port of Hirtshals

Organisation providing more information on the review procedures: Danish Competition and Consumer Authority

Organisation receiving requests to participate: Port of Hirtshals

Organisation processing tenders: Port of Hirtshals

8. Organisations

8.1 ORG-0001

Official name: Port of Hirtshals

Registration number: 25868455

Postal address: Norgeskaj 11

Town: Hirtshals

Postcode: 9850

Country subdivision (NUTS): Nordjylland (DK050)

Country: Denmark

Contact point: Niels Kiersgaard

Email:

Telephone: +4523720627

Internet address:

Roles of this organisation:

Buyer

Organisation providing additional information about the procurement procedure

Organisation providing offline access to the procurement documents

Organisation receiving requests to participate

Organisation processing tenders

8.1 ORG-0002

Official name: Danish Complaints Board for Public Procurement

Registration number: ORG-37795526

Postal address: Toldboden 2

Town: Viborg

Postcode: 8800

Country subdivision (NUTS): Vestjylland (DK041)

Country: Denmark

Contact point: Klagenævnet for Udbud

Email: kfu@naevneneshus.dk

Telephone: +45 72405600

Information exchange endpoint (URL): <https://naevneneshus.dk/start-din-klage/klagenaevnet-for-udbud/>

Roles of this organisation:

Review organisation

8.1 ORG-0003

Official name: Danish Competition and Consumer Authority

Registration number: ORG-10294819

Postal address: Carl Jacobsens Vej 35

Town: Valby

Postcode: 2500

Country subdivision (NUTS): Byen København (DK011)

Country: Denmark

Contact point: Konkurrence- og Forbrugerstyrelsen

Email:

Telephone: +45 41715000

Information exchange endpoint (URL):

Roles of this organisation:

Organisation providing more information on the review procedures

8.1 ORG-0004

Official name: Merzell Holding ASA

Registration number: 980921565

Postal address: Askekroken 11

Town: Oslo

Postcode: 0277

Country subdivision (NUTS): Oslo (NO081)

Country: Norway

Contact point: eSender

Email:

Telephone: +47 21018800

Fax: +47 21018801

Internet address:

Roles of this organisation:

TED eSender

11. Notice information

11.1 Notice information

Notice identifier/version: 622d62b6-4238-4bb2-ba34-4c5d71907a08 - 01

Form type: Competition

Notice type: Contract or concession notice – standard regime

Notice dispatch date: 2024-01-03Z 19:54:26Z

Languages in which this notice is officially available: English

11.2 Publication information

Notice publication number: 00010278-2024

OJ S issue number: 5/2024

Publication date: 2024-01-08Z