

# DENMARK - CONSTRUCTION WORKS FOR POWER PLANTS AND HEATING PLANTS - CARBON CAPTURE PLANT (1)

9/2024

Contract or concession notice – standard regime

## 1. Buyer

### 1.1 Buyer

*Official name:* Kredsløb Holding A/S

*Legal type of the buyer:* Public undertaking

*Activity of the contracting entity:* Production, transport or distribution of gas or heat

## 2. Procedure

### 2.1 Procedure

*Title:* Carbon Capture Plant (1)

*Description:* Kredsløb Holding A/S (on behalf of the Kredsløb Group and hereinafter referred to as "Kredsløb") hereby invites potential suppliers to participate in Kredsløb's tender for a Carbon Capture Plant at Kredsløb's facilities in Lisbjerg in Denmark. The contracting entity in this tender procedure is Kredsløb Holding A/S ("Kredsløb") tendering on behalf of all entities in the Kredsløb Group including entities not yet established. Please note that Kredsløb expects and reserves the right to transfer the contract in this tender to any other entity (existing entity or new established SPV) within the Kredsløb Group at any time (before or after signing the contract) - e.g. following new regulation on carbon capture projects in Denmark - meaning that another Kredsløb entity or another entity controlled by Aarhus Municipality may take over all rights and obligations of Kredsløb according to the contract. The Kredsløb Group is ultimately owned by Aarhus Municipality. To support the Aarhus City Council's goal to lead the way in the green transition and create a CO2 neutral society by 2030, Kredsløb is planning to establish a Carbon Capture Plant to capture the CO2 from the entire Lisbjerg plant, consisting of four separate plants, three which are used for the processing of collected waste from (mainly) Aarhus, and one which is used for the processing of biomass (mostly straw). The Carbon Capture Plant will have a potential of capturing approximately 67 tonnes of CO2 hourly. The Carbon Capture Project will form a natural and necessary part of Kredsløb's ordinary activities, which includes production and distribution of electricity and district heating primarily to citizens in Aarhus Municipality. This notice is a retender of the project that was originally published in December 2023. The notice covers the tendering procedure and contains information about the project related to Kredsløb's establishment of a Carbon Capture Plant at Energipark Lisbjerg. The contract will include both the establishment of a Carbon Capture Plant as well as heat integration for utilizing the heat from the process in the existing district heat network. The carbon capture technology must be based on circulation of sorbent diluted in water/a fluid but Kredsløb accepts technologies using different sorbents. Furthermore, Kredsløb accepts both mono-plants for the flue gas from all 4 lines or other concepts e.g., separate plants for flue gas from biomass and waste respectively.

*Procedure identifier:* 925dd227-48c3-4058-ab01-d0a7d54fb356

*Previous notice:* 752306-2023

*Previous notice:* 673544-2023

*Internal identifier:* 1071565

*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 carried out as a negotiated procedure according to directive 2014/25/EU of the European Parliament and the Council of 26 February 2014 (The Utilities Directive) as implemented in Denmark in Executive Order No. 1078 of 29 June 2022. The tender procedure will consist of different phases, namely: 1. Prequalification Phase: All economic operators are invited to submit an application for the purpose of prequalification. 2. Tender and negotiation Phase: Any applicant which is prequalified based on the prequalification criteria will be invited to tender, including submission of relevant materials, first tenders, four revised tenders and a BAFO ("Best And Final Offer") and thus participation in several rounds of dialogues and/or negotiations including FEED negotiations. This process is further described in the Tender Conditions. 3. Evaluation and award: Kredsløb will evaluate BAFO and award the contract (leading to signing). The tender is not divided into lots as Kredsløb deems it beneficial for the project to have one contractor for the entire Carbon Capture Plant in Lisbjerg including heat integration to reduce the number of interfaces and especially to reduce risks in general, including risks associated with interfaces between different plants. Based on the tender procedure, Kredsløb will enter into contract with one tenderer. The tender does not include foundations, structural works and civil constructions for the plant. These works will be subject to a separate tender procedure.

#### 2.1.1 Purpose

*Nature of the contract:* Works

*Main classification (cpv):* 45251000 Construction works for power plants and heating plants

*Additional classification (cpv):* 42100000 Machinery for the production and use of mechanical power

*Additional classification (cpv):* 42120000 Pumps and compressors

*Additional classification (cpv):* 45000000 Construction work

*Additional classification (cpv):* 45250000 Construction works for plants, mining and manufacturing and for buildings relating to the oil and gas industry

*Additional classification (cpv):* 45252000 Construction works for sewage treatment plants, purification plants and refuse incineration plants

*Additional classification (cpv):* 45350000 Mechanical installations

#### 2.1.2 Place of performance

*Postal address:* Ølstedvej 20

*Town:* Aarhus

*Postcode:* 8200

*Country subdivision (NUTS):* Østjylland (DK042)

*Country:* Denmark

#### 2.1.3 Value

*Estimated value excluding VAT:* 0 EUR

#### 2.1.4 General information

*Additional information:* For economic operators based in Denmark, Kredsløb will require an official certificate issued by the Danish Business Authority ("Serviceattest") as documentation for not being subject to exclusion grounds. For economic operators not based in Denmark but within the EU, Kredsløb expects to require the relevant documentation as listed in eCertis. If the economic operator

is based outside the EU, Kredsløb expects to require (i) extracts from relevant registers or similar documents issued by a competent judicial or administrative authority stating that the economic operator is not subject to any of the exclusion grounds in the Danish Public Procurement Act, section 135(1) and (ii) (a certificate issued by the competent authority in the given country referred to as documentation that the economic operator is not subject to the grounds for exclusion stipulated in the cases stated in section 135(3) and section 137(1)(2). If the country in question does not issue the relevant documents or certificates, or if such documents or certificates do not cover all the cases mentioned in section 135 (1) or (3) and section 137(1)(2), those documents or certificates can be replaced by a statement provided under oath. If statements made under oath are not provided for in the relevant country, a solemn declaration made before a competent judicial or administrative authority, a notary, or a competent professional organisation in the country in which the economic operator is registered, will be accepted. The documentation provided should not be older than three months counting from the deadline for submission of applications and the deadline for submission of the final tender (BAFO) respectively. However, if longer validity is determined by the authority issuing the documentation or by the economic operator's national law and regulation, longer validity will be accepted. If an economic operator is subject to an exclusion ground, Kredsløb will ask the economic operator to document its reliability, cf. section 138 of the Danish Public Procurement Act, before Kredsløb determines whether the economic operator in question is non-eligible and must be rejected or replaced. Kredsløb will compensate tenderers for participation in the tender by payment of a lump sum of EUR 1,050,000 in total per tenderer. The compensation will be split into three (3) payments and each payment is conditional on submission of tender documents at a certain level which is described in details in the tender conditions. Certain parts of the tender material are considered confidential by Kredsløb. Applicants or tenderers must sign the confidentiality agreement included in the tender material to get access to these parts of the tender material. Kredsløb will send the confidential parts of the tender material immediately after receiving and validating a confidentiality agreement signed by a potential applicant or prequalified tenderer.

*Legal basis:*

Directive 2014/25/EU

#### *2.1.6 Grounds for exclusion*

Analogous situation like bankruptcy under national law: Pursuant to Section 137(1)(2) of the Danish Public Procurement Act, an applicant or tenderer will be excluded if the applicant or tenderer has been declared bankrupt or is undergoing insolvency or winding-up proceedings, where the assets of the applicant or tenderer is being administered by a receiver or by court if the applicant or tenderer has entered an arrangement with creditors, where the commercial activities of the candidate or tenderer has been discontinued, or where the applicant or tenderer is in a similar situation under a similar procedure under national law in the jurisdiction in which the candidate or tenderer is registered. Please refer to "Additional information" below for the required documentation.

Bankruptcy: Pursuant to Section 137(1)(2) of the Danish Public Procurement Act, an applicant or tenderer will be excluded if the applicant or tenderer has been declared bankrupt or is undergoing insolvency or winding-up proceedings, where the assets of the applicant or tenderer is being administered by a receiver or by court if the applicant or tenderer has entered an arrangement with creditors, where the commercial activities of the candidate or tenderer has been discontinued, or where the applicant or tenderer is in a similar situation under a similar procedure under national law in the jurisdiction in which the candidate or tenderer is registered. Please refer to "Additional information" below for the required documentation.

Corruption: Pursuant to Section 135(1)(2) of the Danish Public Procurement Act, an applicant or tenderer will be excluded if the applicant or tenderer has been convicted or fined by final judgement for corruption as defined in Article 3 of convention on combating of corruption involving officials of the European Union and of the EU member states and Article 2(1) of Council Framework Decision 2003 /568/JHA of 22 July 2003 on combating of corruption in the private sector (Official Journal of the European Union 2003, No. L 192, page 54) and corruption as defined by national law in the member state or home country of the applicant or tenderer or in the country in which the applicant or tenderer is established. The same applies where a person who has been convicted by final judgement or who has been fined for such an action is a member of the board, management or supervisory committee of the applicant or tenderer. Further, the applicant or tenderer must be excluded if the convicted person is authorised to represent, monitor or make decisions in the board, management or supervisory committee of the applicant or tenderer. Please refer to "Additional information" below for the required documentation

Arrangement with creditors: Pursuant to Section 137(1)(2) of the Danish Public Procurement Act, an applicant or tenderer will be excluded if the applicant or tenderer has been declared bankrupt or is undergoing insolvency or winding-up proceedings, where the assets of the applicant or tenderer is being administered by a receiver or by court if the applicant or tenderer has entered an arrangement with creditors, where the commercial activities of the candidate or tenderer has been discontinued, or where the applicant or tenderer is in a similar situation under a similar procedure under national law in the jurisdiction in which the candidate or tenderer is registered. Please refer to "Additional information" below for the required documentation.

Participation in a criminal organisation: Pursuant to Section 135(1)(1) of the Danish Public Procurement Act, an applicant or tenderer will be excluded if the applicant or tenderer has been convicted or fined by final judgement for actions committed as part of a criminal organisation as defined in Article 2 of Council Framework Decision 2008/841/JHA of 24 October 2008 (Official Journal of the European Union 2008, No. L 300, page 42). The same applies where a person who has been convicted by final judgement or who has been fined for such an action is a member of the board, management or supervisory committee of the applicant or tenderer. Further, the applicant or tenderer must be excluded if the convicted person is authorised to represent, monitor or make decisions in the board, management or supervisory committee of the applicant or tenderer. Please refer to "Additional information" below for the required documentation.

Agreements with other economic operators aimed at distorting competition: Pursuant to Section 137(1)(3) of the Danish Public Procurement Act, an applicant or tenderer will be excluded if the contracting authority has sufficient plausible indications to conclude that the applicant or tenderer has concluded agreements with other economic operators for the purpose of distorting competition.

Breaching of obligations in the fields of environmental law: Pursuant to Section 137(1)(1) of the Danish Public Procurement Act, an applicant or tenderer will be excluded if the applicant or tenderer has ignored obligations in force in the fields of environmental, social or labour law under EU law, national law, collective agreements or the obligations under environmental, social or labour law deriving from the conventions stated in Annex X to Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (the Official Journal of the European Union 2014, No. L 94, page 65) or subject to acts adopted by the European Commission under Article 57(4), cf. Article 88, of the Directive. Please refer to "Additional information" below for the required documentation.

Money laundering or terrorist financing: Pursuant to Section 135(1)(5) of the Danish Public Procurement Act, an applicant or tenderer will be excluded if the applicant or tenderer has been

convicted or fined by final judgement for money laundering or financing of terrorism as defined in Article 1 of Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on prevention of the use of the financial system for the purpose of money laundering or financing of terrorism (Official Journal of the European Union 2005, No. L 309, page 15). The same applies where a person who has been convicted by final judgement or who has been fined for such an action is a member of the board, management or supervisory committee of the applicant or tenderer. Further, the applicant or tenderer must be excluded if the convicted person is authorised to represent, monitor or make decisions in the board, management or supervisory committee of the applicant or tenderer. Please refer to "Additional information" below for the required documentation.

Fraud: Pursuant to Section 135(1)(3) of the Danish Public Procurement Act, an applicant or tenderer will be excluded if the applicant or tenderer has been convicted or fined by final judgement for fraud within the meaning of Article 1 of the Convention relating to the protection of the financial interests of the European Communities. The same applies where a person who has been convicted by final judgement or who has been fined for such an action is a member of the board, management or supervisory committee of the applicant or tenderer. Further, the applicant or tenderer must be excluded if the convicted person is authorised to represent, monitor or make decisions in the board, management or supervisory committee of the applicant or tenderer. Please refer to "Additional information" below for the required documentation.

Child labour and other forms of trafficking in human beings: Pursuant to Section 135(1)(6) of the Danish Public Procurement Act, an applicant or tenderer will be excluded if the applicant or tenderer has been convicted or fined by final judgement for breach of section 262 a of the Danish Penal Code or as regards a judgement issued in another country concerning child labour or other types of human trafficking 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/HJA (Official Journal of the European Union 2011, No. L 101, page 1). The same applies where a person who has been convicted by final judgement or who has been fined for such an action is a member of the board, management or supervisory committee of the applicant or tenderer. Further, the applicant or tenderer must be excluded if the convicted person is authorised to represent, monitor or make decisions in the board, management or supervisory committee of the applicant or tenderer. Please refer to "Additional information" below for the required documentation.

Insolvency: Pursuant to Section 137(1)(2) of the Danish Public Procurement Act, an applicant or tenderer will be excluded if the applicant or tenderer has been declared bankrupt or is undergoing insolvency or winding-up proceedings, where the assets of the applicant or tenderer is being administered by a receiver or by court if the applicant or tenderer has entered an arrangement with creditors, where the commercial activities of the candidate or tenderer has been discontinued, or where the applicant or tenderer is in a similar situation under a similar procedure under national law in the jurisdiction in which the candidate or tenderer is registered. Please refer to "Additional information" below for the required documentation.

Breaching of obligations in the fields of labour law: Pursuant to Section 137(1)(1) of the Danish Public Procurement Act, an applicant or tenderer will be excluded if the applicant or tenderer has ignored obligations in force in the fields of environmental, social or labour law under EU law, national law, collective agreements or the obligations under environmental, social or labour law deriving from the conventions stated in Annex X to Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (the Official Journal of the European Union 2014, No. L 94, page 65) or subject to acts adopted by the European

Commission under Article 57(4), cf. Article 88, of the Directive. Please refer to "Additional information" below for the required documentation.

Assets being administered by liquidator: Pursuant to Section 137(1)(2) of the Danish Public Procurement Act, an applicant or tenderer will be excluded if the applicant or tenderer has been declared bankrupt or is undergoing insolvency or winding-up proceedings, where the assets of the applicant or tenderer is being administered by a receiver or by court if the applicant or tenderer has entered an arrangement with creditors, where the commercial activities of the candidate or tenderer has been discontinued, or where the applicant or tenderer is in a similar situation under a similar procedure under national law in the jurisdiction in which the candidate or tenderer is registered. Please refer to "Additional information" below for the required documentation.

Guilty of misrepresentation, withheld information, unable to provide required documents and obtained confidential information of this procedure: Pursuant to Section 136(3) of the Danish Public Procurement Act, an applicant or tenderer will be excluded if the applicant or tenderer of the procurement procedure referred to has provided incorrect information, retained information or is unable to submit additional documents in relation to the grounds for exclusion stated in section 135(1 or 3), and, if relevant, in section 137(1)(2 or 7) the fixed minimum requirements for suitability stipulated in sections 140-144 or selection in section 145. In addition, pursuant to Section 137(1)(5), an applicant or tenderer will be excluded if the applicant or tenderer has attempted to interfere with the decision-making process of the contracting authority, where the candidate or tenderer has obtained confidential information which may have resulted in wrongful advantages in relation to the procurement procedure, or where the candidate or tenderer by gross negligence has provided misleading information which may have material influence on decisions on exclusion, assessment of the minimum requirements for suitability, selection or award of contract.

Purely national exclusion grounds: Pursuant to Section 134a of the Danish Public Procurement Act, an applicant or tenderer will be excluded if the applicant or tenderer is established in a country that is included on the EU list of non-cooperative tax jurisdictions and has not acceded to the WTO's Government Procurement Agreement or other trade agreements that require Denmark to open the market for public contracts for bids.

Conflict of interest due to its participation in the procurement procedure: Pursuant to Section 136(1) of the Danish Public procurement Act, an applicant or tenderer will be excluded if the contracting authority can prove that in relation to the procurement procedure referred to, a conflict of interest, cf. Section 24(18), cannot be removed effectively by less radical means.

Direct or indirect involvement in the preparation of this procurement procedure: Pursuant to Section 136(2) of the Danish Public Procurement Act, an applicant or tenderer will be excluded if the inclusion will entail a distortion of competition as discussed in section 39 as a result of the prior involvement of economic operators in the preparation of the procurement procedure in relation to the procurement procedure referred to which cannot be removed by less radical means.

Guilty of grave professional misconduct: Pursuant to Section 136(4) of the Danish Public Procurement Act, an applicant or tenderer will be excluded if the applicant or tenderer has in the exercise of its business committed serious neglect which gives rise to doubt as to the integrity of the candidate or tenderer.

Early termination, damages or other comparable sanctions: Pursuant to Section 137(1)(4) of the Danish Public Procurement Act, an applicant or tenderer will be excluded if the applicant or tenderer has committed previous material breach of a public contract, a utility contract or a public works concession, and such breach has resulted in cancellation of the contract referred to or a similar sanction.

Breaching of obligations in the fields of social law: Pursuant to Section 137(1)(1) of the Danish Public Procurement Act, an applicant or tenderer will be excluded if the applicant or tenderer has ignored obligations in force in the fields of environmental, social or labour law under EU law, national law, collective agreements or the obligations under environmental, social or labour law deriving from the conventions stated in Annex X to Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (the Official Journal of the European Union 2014, No. L 94, page 65) or subject to acts adopted by the European Commission under Article 57(4), cf. Article 88, of the Directive. Please refer to "Additional information" below for the required documentation.

Payment of social security contributions: Pursuant to Section 135(3) of the Danish Public Procurement Act, an applicant or tenderer will be excluded if it has unpaid overdue debt of DKK 100,000 or more to public authorities in relation to social security contributions under Danish law or under the law of the country in which the applicant or tenderer is established, unless the exceptions in Sections 135(4) and (5) apply. Please refer to "Additional information" below for the required documentation.

Business activities are suspended: Pursuant to Section 137(1)(2) of the Danish Public Procurement Act, an applicant or tenderer will be excluded if the applicant or tenderer has been declared bankrupt or is undergoing insolvency or winding-up proceedings, where the assets of the applicant or tenderer is being administered by a receiver or by court if the applicant or tenderer has entered an arrangement with creditors, where the commercial activities of the candidate or tenderer has been discontinued, or where the applicant or tenderer is in a similar situation under a similar procedure under national law in the jurisdiction in which the candidate or tenderer is registered. Please refer to "Additional information" below for the required documentation.

Payment of taxes: Pursuant to Section 135(3) of the Danish Public Procurement Act, an applicant or tenderer will be excluded if it has unpaid overdue debt of DKK 100,000 or more to public authorities in relation to tax or duties under Danish law or under the law of the country in which the applicant or tenderer is established, unless the exceptions in Sections 135(4) and (5) apply. Please refer to "Additional information" below for the required documentation.

Terrorist offences or offences linked to terrorist activities: Pursuant to Section 135(1)(4) of the Danish Public Procurement Act, an applicant or tenderer will be excluded if the applicant or tenderer has been convicted or fined by final judgement for acts of terror or criminal acts related to terrorist activities within the meaning of Article 1, 3 and 4, respectively, of Council Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism (Official Journal of the European Union 2002, No. L 164, page 3) and amending Council Framework Decision 2008/919/JHA of 28 November 2008 amending Framework Decision 2002/475/JHA on combating terrorism (Official Journal of the European Union 2008, No. L 330, page 21). The same applies where a person who has been convicted by final judgement or who has been fined for such an action is a member of the board, management or supervisory committee of the applicant or tenderer. Further, the applicant or tenderer must be excluded if the convicted person is authorised to represent, monitor or make decisions in the board, management or supervisory committee of the applicant or tenderer. Please refer to "Additional information" below for the required documentation.

## **5. Lot**

5.1 *Lot*: LOT-0000

*Title*: Carbon Capture Plant (1)

*Description:* Kredsløb Holding A/S (on behalf of the Kredsløb Group and hereinafter referred to as "Kredsløb") hereby invites potential suppliers to participate in Kredsløb's tender for a Carbon Capture Plant at Kredsløb's facilities in Lisbjerg in Denmark. The contracting entity in this tender procedure is Kredsløb Holding A/S ("Kredsløb") tendering on behalf of all entities in the Kredsløb Group including entities not yet established. Please note that Kredsløb expects and reserves the right to transfer the contract in this tender to any other entity (existing entity or new established SPV) within the Kredsløb Group at any time (before or after signing the contract) - e.g. following new regulation on carbon capture projects in Denmark - meaning that another Kredsløb entity or another entity controlled by Aarhus Municipality may take over all rights and obligations of Kredsløb according to the contract. The Kredsløb Group is ultimately owned by Aarhus Municipality. To support the Aarhus City Council's goal to lead the way in the green transition and create a CO2 neutral society by 2030, Kredsløb is planning to establish a Carbon Capture Plant to capture the CO2 from the entire Lisbjerg plant, consisting of four separate plants, three which are used for the processing of collected waste from (mainly) Aarhus, and one which is used for the processing of biomass (mostly straw). The Carbon Capture Plant will have a potential of capturing approximately 67 tonnes of CO2 hourly. The Carbon Capture Project will form a natural and necessary part of Kredsløb's ordinary activities, which includes production and distribution of electricity and district heating primarily to citizens in Aarhus Municipality. This notice is a retender of the project that was originally published in December 2023. The notice covers the tendering procedure and contains information about the project related to Kredsløb's establishment of a Carbon Capture Plant at Energipark Lisbjerg. The contract will include both the establishment of a Carbon Capture Plant as well as heat integration for utilizing the heat from the process in the existing district heat network. The carbon capture technology must be based on circulation of sorbent diluted in water/a fluid but Kredsløb accepts technologies using different sorbents. Furthermore, Kredsløb accepts both mono-plants for the flue gas from all 4 lines or other concepts e.g., separate plants for flue gas from biomass and waste respectively.

*Internal identifier:* 1

### 5.1.1 Purpose

*Nature of the contract:* Works

*Main classification (cpv):* 45251000 Construction works for power plants and heating plants

*Additional classification (cpv):* 42100000 Machinery for the production and use of mechanical power

*Additional classification (cpv):* 42120000 Pumps and compressors

*Additional classification (cpv):* 45000000 Construction work

*Additional classification (cpv):* 45250000 Construction works for plants, mining and manufacturing and for buildings relating to the oil and gas industry

*Additional classification (cpv):* 45252000 Construction works for sewage treatment plants, purification plants and refuse incineration plants

*Additional classification (cpv):* 45350000 Mechanical installations

*Options:*

*Description of the options:* The contract contains the following options: 1. Additional guarantee test at any given time during the Defects Notification Period. 2. Increased environmental guaranties. 3. Complete closed cooling circuit to cooling of heat from the low temperature cooling circuit in the Carbon Capture plant. 4. Extension of the Defects Notification Period for the CO2-compressor to 4 years from Taking Over. 5. Extension of the Defects Notification Period for all heat pumps to 4 years from Taking Over. 6. Extension of the Defects Notification Period for flues gas fans/compressors to 4 years from Taking Over.



### 5.1.2 Place of performance

*Postal address:* Ølstedvej 20

*Town:* Aarhus

*Postcode:* 8200

*Country subdivision (NUTS):* Østjylland (DK042)

*Country:* Denmark

*Additional information:*

### 5.1.3 Estimated duration

*Duration:* 10 YEAR

### 5.1.4 Renewal

*Maximum renewals:* 0

### 5.1.5 Value

*Estimated value excluding VAT:* 0 EUR

### 5.1.6 General information

*Reserved participation:* Participation is not reserved.

Procurement Project not financed with EU Funds.

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

*Additional information:* For economic operators based in Denmark, Kredsløb will require an official certificate issued by the Danish Business Authority ("Serviceattest") as documentation for not being subject to exclusion grounds. For economic operators not based in Denmark but within the EU, Kredsløb expects to require the relevant documentation as listed in eCertis. If the economic operator is based outside the EU, Kredsløb expects to require (i) extracts from relevant registers or similar documents issued by a competent judicial or administrative authority stating that the economic operator is not subject to any of the exclusion grounds in the Danish Public Procurement Act, section 135(1) and (ii) (a certificate issued by the competent authority in the given country referred to as documentation that the economic operator is not subject to the grounds for exclusion stipulated in the cases stated in section 135(3) and section 137(1)(2). If the country in question does not issue the relevant documents or certificates, or if such documents or certificates do not cover all the cases mentioned in section 135 (1) or (3) and section 137(1)(2), those documents or certificates can be replaced by a statement provided under oath. If statements made under oath are not provided for in the relevant country, a solemn declaration made before a competent judicial or administrative authority, a notary, or a competent professional organisation in the country in which the economic operator is registered, will be accepted. The documentation provided should not be older than three months counting from the deadline for submission of applications and the deadline for submission of the final tender (BAFO) respectively. However, if longer validity is determined by the authority issuing the documentation or by the economic operator's national law and regulation, longer validity will be accepted. If an economic operator is subject to an exclusion ground, Kredsløb will ask the economic operator to document its reliability, cf. section 138 of the Danish Public Procurement Act, before Kredsløb determines whether the economic operator in question is non-eligible and must be rejected or replaced. Kredsløb will compensate tenderers for participation in the tender by payment of a lump sum of EUR 1,050,000 in total per tenderer. The compensation will be split into three (3) payments and each payment is conditional on submission of tender documents at a certain level which is described in details in the tender conditions. Certain parts of the tender material are considered

confidential by Kredsløb. Applicants or tenderers must sign the confidentiality agreement included in the tender material to get access to these parts of the tender material. Kredsløb will send the confidential parts of the tender material immediately after receiving and validating a confidentiality agreement signed by a potential applicant or prequalified tenderer.

#### 5.1.9 Selection criteria

*Criterion:*

*Type:* Economic and financial standing

*Name:* Letter of intent from a reputable bank

*Description:* It is a minimum requirement that the applicant can provide a letter of intent from a reputable bank (i.e., a bank with a rating of 'A' or higher by at least one of the rating agencies Moody's, S&P or Fitch) confirming that the bank expects to be able to issue a performance bond of 20.000.000 EUR in favour of Kredsløb if the applicant is awarded the contract.

*Use of this criterion:* Used

*Criterion:*

*Type:* Other

*Name:* Diverse competition field

*Description:* In the selection of applicants, Kredsløb will aim at prequalifying a diverse competition field representing different carbon capture technologies. Thus, if Kredsløb receives compliant applications representing at least two different technologies, Kredsløb will prequalify applicants representing at least two different technologies. For the purpose of identifying the best competition field, Kredsløb defines a technology based on the sorbent used i.e., different sorbents are different technologies whereas same sorbents treated differently are still defined as the same technology. Applicants must identify in their application, which technology the tender will be based on, and include at least one reference documenting the matureness (at least TRL 7) of that technology as described above. In order to identify the applicants to be prequalified, Kredsløb will initially review all applications for compliance with minimum requirements and exclusion grounds. Kredsløb reserves the right to ask applicants to submit, supplement, clarify or complete any incomplete or erroneous information in accordance with article 76(4) of the Utilities Directive. Kredsløb will then evaluate all compliant applications based on the references submitted and the company structure description above. References will carry more weight than the company structure description. Based on the evaluation, Kredsløb will rank the applications. The process described below is illustrated in the Tender Conditions. As a starting point, Kredsløb will prequalify the three (3) highest ranked applicants based on the evaluation of the references submitted and the company structure descriptions. However, if the three (3) highest ranked applicants all represent the same technology, Kredsløb will prequalify the highest ranked applicant representing a different technology together with the two (2) highest ranked applicants. If an economic operator is part of two teams of applicants (as applicant, consortium member or supporting entity) representing two different technologies and both teams are prequalified according to the system described above, Kredsløb will prequalify a fourth applicant based on the same prequalification criteria. If four applicants are prequalified, the fourth applicant being prequalified cannot represent a technology that is represented by two other prequalified applicants. In other words, including the fourth prequalified applicant, the competition field will include either three different technologies (where one is represented by two applicants) or two applicants representing one technology and two applicants representing another technology. Kredsløb will only prequalify a fourth applicant if the two teams where the same economic operator is involved represent different technologies i.e., if the same economic operator is involved in two applications representing the same

technology, Kredsløb will only prequalify three applicants. Furthermore, Kredsløb will only prequalify a fourth applicant if there is a fourth application representing a technology that is not already represented by two of the prequalified i.e., if the fourth applicant would be the third with the same technology, Kredsløb will only prequalify three applicants.

*Use of this criterion:* Used

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

*Criterion:*

*Type:* Suitability to pursue the professional activity

*Use of this criterion:* Not used

*Criterion:*

*Type:* Technical and professional ability

*Name:* Mature technology

*Description:* It is a minimum requirement that the applicant can demonstrate that the proposed carbon capture technology - which must be based on circulation of sorbent diluted in water/a fluid - has been demonstrated as a fully functional system prototype, to technology readiness level (TRL) 7 or above. To fulfill the requirement of TRL 7, the applicant must document as a minimum a pre-commercial system, integrated, and tested in an operational environment compliant with flue gas from incineration of waste and /or biomass and/or oil and/or coal and/or natural gas for a minimum continuous period of two (2) months. The minimum requirement may also be fulfilled by submission of a reference from a commercial plant that has been in operation for at least two (2) months. The reference or demonstration plant must not be older than ten (10) years from the deadline for applying for prequalification. Plants that were put into operation prior to ten (ten) years before the deadline for applying for prequalification will not be taken into consideration.

*Use of this criterion:* Used

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

*Criterion:*

*Type:* Technical and professional ability

*Name:* Relevant experience

*Description:* The applicant should submit up to five (5) references in addition to the reference submitted to fulfill the minimum requirement (i.e. a maximum of six (6) references will be assessed). References should be from either carbon capture plants or references from works of being mechanical and/or electrical EPC contractor (i.e., excluding civil works) for comparable projects (energy plants, process plants, industry, etc.). References should include a brief description of the tasks performed (e.g., scope of work, tasks performed by the applicant, technologies used (both carbon capture and other relevant technologies), client and other relevant parties involved, capacity or size of the plant/project, year of upstart, works and commissioning, value of the overall project and of the applicant's part respectively etc.). References must not be older than five (5) years from deadline for applying for prequalification. References from plants that were put into operation prior to five (5) years before the deadline for applying for prequalification will not be taken into consideration. Except the reference submitted to fulfill the minimum requirement which can be up to 10 years old. If the applicant submits ongoing references (i.e., plants not yet in operation), the current state of the works must be described and only works finished prior to the deadline for application for prequalification will be considered. If more than five (5) references are submitted, only the five (5) most recent references based on the time of commissioning will be considered. Kredsløb will identify the best qualified applicants based on the most comparable references combined with the company structure description. The evaluation of the most comparable references will be based on the up to five (5) references submitted plus the

reference or description of demonstration plants submitted to fulfil the minimum requirement. When evaluating comparability, Kredsløb will put emphasis on whether technologies demonstrated in the references are comparable to the project and the technology the applicant will use for the tender. It will be evaluated positively the more experience with carbon capture plants the applicant demonstrates, including higher TRL. However, references from other plants with high complexity will be evaluated positively as well. The higher complexity and the more comparable to carbon capture plants, the better evaluation. Furthermore, it will be evaluated positively if the references demonstrate experience with plants that are similar or larger in capacity than Kredsløb's project. In the evaluation references from plants put into operation will carry more weight than ongoing references.

*Use of this criterion:* Used

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

*Criterion:*

*Type:* Technical and professional ability

*Name:* Company structure

*Description:* Applicants should submit a company structure description for the project execution. The aim is to document that the applicant has (or plans to) set up a team of suppliers that have the relevant competences for executing the contract which contains several different subject areas and therefore requires a broad range of expertise. The company structure description should state the technical bodies (e.g., departments within the applicant's organisation, consortium partners or sub-suppliers) expected to be involved with the execution of the contract. Applicants are not required or expected to include names of individuals but only to identify relevant departments or professions within the applicant's organisation or relevant sub-suppliers, consortium partners etc. It will be evaluated positively if the applicant identifies relevant technical bodies (e.g., departments within the applicant's organisation, consortium partners or sub-suppliers) for as many relevant aspects of the works as possible including for instance technology provider and technical bodies for process calculation in relation to the carbon capture plant and heat integration respectively as well as other technical bodies relevant for the entire process value chain. Applicants are not required to name sub-suppliers (but are welcome to) and it will be evaluated equally positively if the applicant merely identifies the areas of expertise where the applicant will include expertise from sub-suppliers and/or accounts for the capabilities being available internally-

*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

*The procedure will take place in successive stages. At each stage, some participants may be eliminated*

#### 5.1.10 Award criteria

*Criterion:*

*Type:* Cost

*Name:* Project Economy

*Description:* Under the sub-criterion Project Economy, Kredsløb will evaluate the expected economy of the solution offered by the tenderer. Please refer to the Tender Conditions for further information.

*Weight (percentage, exact):* 35

*Criterion:*

*Type:* Quality

*Name:* Contractual Terms

*Description:* Under the sub-criterion Contractual Terms, Kredsløb will evaluate the tenderer's deviations from the contract documents (Part A and B) in the tender material. Please refer to the Tender Conditions for further information.

*Weight (percentage, exact):* 20

*Criterion:*

*Type:* Quality

*Name:* Technical Solution

*Description:* The sub-criterion Technical Solution will be evaluated based on the following sub-sub-criteria and weights: Plant Flexibility: 40 % Process Design: 25 % Layout: 25 % Quality of Equipment: 10 % Please refer to the Tender Conditions for further information.

*Weight (percentage, exact):* 30

*Criterion:*

*Type:* Quality

*Name:* Project Execution

*Description:* The sub-criterion Project Execution will be evaluated based on the following sub-sub-criteria and weights: Project Programme: 50 % Organisation and Execution Plan: 50 % Please refer to the Tender Conditions for further information.

*Weight (percentage, exact):* 10

*Criterion:*

*Type:* Quality

*Name:* QHS and Sustainability

*Description:* The sub-criterion QHS and Sustainability will be evaluated based on the following sub-sub-criteria and weights: Quality, Health and Safety: 50 % Sustainability: 50 % Please refer to the Tender Conditions for further information.

*Weight (percentage, exact):* 5

#### 5.1.11 *Procurement documents*

*Access to certain procurement documents is restricted*

*Justification for restricting access to certain procurement documents:* Protection of particularly sensitive information

*Languages in which the procurement documents are officially available:* ENG

*Information about restricted documents is available at:*

*Address of the procurement documents:*

#### 5.1.12 *Terms of procurement*

*Terms of submission:*

*Electronic submission:* Required

*Address for submission:*

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

*Electronic catalogue:* Not allowed

*Variants:* Not allowed

*Deadline for receipt of requests to participate:* 2024-02-12+01:00 13:00:00+01:00

*Information that can be supplemented after the submission deadline:*

At the discretion of the buyer, all missing tenderer-related documents may be submitted later.

*Additional information:* Additional information may be submitted in accordance with article 76 of the Utilities Directive.

*Terms of contract:*

*Conditions relating to the performance of the contract:* The contract is based on FIDIC Yellow Book with Kredsløb's adjustments.

*Electronic invoicing:* Required

*Electronic ordering will be used*

*Electronic payment will be used*

*Financial arrangement:* The contract is subject to different financial securities. Reference is made to the tender documents.

*Information about review deadlines:* Complaints about a candidate not being selected must be filed within 20 calendar days starting the day after the Contracting Authority sent notification to the candidates involved, cf. Section 171 of the Danish Public Procurement Act or Section 2, 1) no. 1 of the same Act, provided that the notification includes a short account of the relevant reasons of the decision. Complaints about the award procedure must be lodged with the Danish Complaints Board for Public Procurement before the expiry of 45 calendar days after the Contracting Authority has published a notice in the official Journal of the European Union (with effect from the day following the publication date). The complainant must inform the Contracting Authority of the complaint in writing and not later than simultaneously with the lodging of the complaint to the Danish Board of Public Procurement. The complaint must state whether the complaint was lodged in the stand still period. If the complaint has not been lodged in the stand still period, the complaint must also state whether the complaint is requested to be given suspensive effect.

#### 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:* Klagenævnet for Udbud

*Organisation providing additional information about the procurement procedure:* Kredsløb Holding A/S

*Organisation providing more information on the review procedures:* Konkurrence- og Forbrugerstyrelsen

## 8. Organisations

### 8.1 ORG-0001

*Official name:* Kredsløb Holding A/S

*Registration number:* 40831851

*Postal address:* Karen Blixens Boulevard 7

*Town:* Brabrand

*Postcode:* 8220

*Country subdivision (NUTS):* Østjylland (DK042)

*Country:* Denmark

*Contact point:* Jonas Aamøe Laursen

*Email:*

*Telephone:* +45 41857297

*Internet address:*

*Buyer profile:*

*Roles of this organisation:*

*Buyer*

*Organisation providing additional information about the procurement procedure*

#### 8.1 ORG-0002

*Official name:* Klagenævnet for Udbud

*Registration number:* 37795526

*Postal address:* Nævnenes Hus, Toldboden 2

*Town:* Viborg

*Postcode:* 8800

*Country:* Denmark

*Email:*

*Telephone:* +45 35291000

*Internet address:*

*klagenaevnet-for-udbud/Roles of this organisation:*

*Review organisation*

#### 8.1 ORG-0003

*Official name:* Konkurrence- og Forbrugerstyrelsen

*Registration number:* 10294819

*Postal address:* Carl Jacobsens Vej 35

*Town:* Valby

*Postcode:* 2500

*Country:* Denmark

*Email:*

*Telephone:* +45 41715000

*Internet address:*

*Roles of this organisation:*

*Organisation providing more information on the review procedures*

#### 8.1 ORG-0004

*Official name:* Mercell 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: 290d4a8a-07d4-4448-9f0e-a70da29af6c3 - 01*

*Form type: Competition*

*Notice type: Contract or concession notice – standard regime*

*Notice dispatch date: 2024-01-10Z 18:26:34Z*

*Languages in which this notice is officially available: English*

### *11.2 Publication information*

*Notice publication number: 00023672-2024*

*OJ S issue number: 9/2024*

*Publication date: 2024-01-12Z*