

DENMARK - RAILWAY AND TRAMWAY LOCOMOTIVES AND ROLLING STOCK AND ASSOCIATED PARTS - TENDER FOR ROLLING STOCK

213/2023

Contract or concession notice – standard regime

1. Buyer

1.1 Buyer

Official name: [Lokaltog A/S] ---

Activity of the contracting entity: Railway services

2. Procedure

2.1 Procedure

Title: Tender for Rolling Stock

Description: Background and purpose The purpose of this procurement is to replace several of Lokaltogs existing diesel trainsets from the 90's in Region Zealand with 14 new Battery Electric Multiple Units (BEMU) trains enabling Lokaltog to carry out its passenger transport operation on specific lines with zero emission technology, specifically trains powered by battery and able to run under catenary line. Lokaltog is operating traffic on multiple conventional single track rail lines on the islands of Sjælland, Lolland and Falster. Traffic is often dense with fixed timetables corresponding to further train connections, busses, schools etc. There are multiple level crossings on the lines. Most of the traffic is performed on Lokaltog's own infrastructure, but some traffic is performed on the Danish state-owned railway infrastructure of Banedanmark. The 14 BEMU trains must not exceed 47 meters in length and will be deployed on the "Østbanen" and "Tølløsebanen" lines of Lokaltog including the line Køge – Roskilde of Banedanmark. The BEMU trains might at a later point be put into service on the "Lollandsbanen" and "Odsherredsbanen" lines. The 14 BEMU trains will be maintained by Lokaltog at the workshop in Hårlev. Lokaltog will exchange trains between Østbanen and Tølløsebanen for maintenance purposes. Main deliveries • Delivery of 14 BEMU trains • Delivery of an initial package of repairable components and special tools • Delivery of spare parts for preventive maintenance until 15 years after final takeover of the last train • Delivery of obsolescence management until 15 years after final takeover of the last train • Documentation, including but not limited to, spare parts list, documentation related to homologation, maintenance schedule and instructions, operating manual, and safety documentation • Training of Lokaltog's driving instructors and technical staff in the trains operation and performance The contract includes an option for Lokaltog to make an order of maximum 10 additional BEMU trains, including spare parts supply.

Procedure identifier: f023b849-a71a-43d0-b16d-83f4ca1f8a14

Internal identifier: Tender for Rolling Stock

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

Main features of the procedure: The procurement procedure is conducted as a negotiated procedure with prior call for competition in accordance with the Utilities Directive , which means that only pre-qualified tenderers are invited to submit offers. The procedure is described in details in the document "Tender Terms and Conditions".

2.1.1 Purpose

Nature of the contract: Supplies

Main classification (cpv): 34600000 Railway and tramway locomotives and rolling stock and associated parts

Additional classification (cpv): 34610000 Rail locomotives and tenders

Additional classification (cpv): 34611000 Locomotives

Additional classification (cpv): 34620000 Rolling stock

Additional classification (cpv): 34622200 Railway passenger coaches

Additional classification (cpv): 34631000 Parts of locomotives or rolling stock

2.1.2 Place of performance

Country subentity: Vest- og Sydsjælland (DK022)

Country: Denmark

2.1.3 Value

Estimated value excluding VAT: 220,000,000 EUR

2.1.4 General information

Additional information: 1) Participation in the tender procedure may only take place via the electronic tendering system used by Lokaltog. For access to the procurement documents, the candidate must be registered or register as a user. All communication in connection with the tender procedure, including questions and answers, must take place through the electronic tendering system. 2) The candidate must as its application to participate submit an ESPD as preliminary Documentation of the circumstances in section 148(1), paras (1)-(3) of the Danish Public Procurement Act, cf. s.11 of Ministerial Order on procurement by entities operating in the water, energy, transport and postal services sectors ("Ministerial Order"). The ESPD is to be completed directly in the electronic tendering system. 3) The estimated value of the contract is a rough estimate incl. options 4) An economic operator may only submit one application to participate. "Economic operator" shall be defined as a single economic operator or a group of economic operators (a consortium). In addition, two or more economic operators who are part of the same legal group may not submit more than one application to participate, unless the economic operators can demonstrate that their participation in the tender process is and continuously will be autonomous and independent. 5) For groups of operators (e.g., a consortium), a separate and signed ESPD must be submitted for each participating operator. In addition, a signed Consortium declaration (Tender Annex B) shall be submitted as Part of the application, declaring that each operator in the consortium is jointly and severally Liable, directly and unconditionally for the performance of the contract. The Candidate is encouraged to use the template, cf. Tender Annex B. 6) If the candidate relies on the capacity of other entities, a signed ESPD must be submitted for each of the entities on which the candidate relies. In addition, a Statement of support (Tender Annex C) from each supporting entity shall be submitted as part of the application, declaring that capacities will be made available to the candidate. The supporting entity/entities shall undertake joint and several liability (economic and financial capacity) and/or perform the relevant parts of the contract (technical and professional capacity). The Candidate is encouraged to use the template, cf. Tender Annex C. 7) A candidate will be excluded from participation if the candidate is subject to the grounds for exclusion set out in ss. 134a, 135, 136, and 137 of the Danish Public Procurement Act, cf. s. 11, para. (1) of the Ministerial Order. A candidate that has submitted sufficient documentation for its reliability, cf. s. 138 of the Danish Public Procurement Act, cf. s.11(1), para. (2) of the Ministerial Order will not be excluded. 8) Lokaltog intends to ask the applicants to provide documentation for their fulfillment of section 148 (1), paras (1)-(3) of the Danish Public Procurement Act, cf. s.11 of the

Ministerial Order after pre-qualification. As documentation for the candidate not being subject to grounds for exclusion, all tenderers must upon request submit the following: - Service certificate issued by the Danish Business Authority, no later than six months from the date of request, or - for international tenderers the contracting authority will accept the documentation stated in e-Certis for the relevant country. 9) In the event of change of the tenderer, the provisions of s. 147 of the Danish Public Procurement Act will apply in their entirety. 10) Questions concerning the application for participation may be submitted at the "QnA" section in Ethics where answers will also be made available. 11) An information meeting will be held online on the 8th January 2024. For more information on how to sign up please see the Tender Terms and Conditions. 12) Individual on-site visits will be held between 22-26 January 2024. Reference is made to the tender documents regarding practicalities of the on-site visits. 13) Due to the size of the measurement videos in Appendix 3.6 of the tender documents they are not available on Ethics, but can be accessed directly via the following links: Further guidance can be found in the Tender Terms and

Conditions, paragraph 2.3

Legal basis:

Directive 2014/25/EU

2.1.6 Grounds for exclusion

Description: [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.] ---

Description: [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.] ---

Description: [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.] ---

Description: [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.] ---

Description: [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).] ---

Description: [Has the economic operator entered into agreements with other economic operators aimed at distorting competition?] ---

Description: [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.] ---

Description: [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).] ---

Description: [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).] ---

Description: [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).] ---

Description: [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.] ---

Description: [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.] ---

Description: [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.] ---

Description: [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?] ---

Description: [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?] ---

Description: [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?] ---

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

Description: [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?] ---

Description: [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.] ---

Description: [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?] ---

Description: [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.] ---

Description: [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?] ---

Description: [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: Tender for Rolling Stock

Description: Background and purpose The purpose of this procurement is to replace several of Lokaltogs existing diesel trainsets from the 90's in Region Zealand with 14 new Battery Electric Multiple Units (BEMU) trains enabling Lokaltog to carry out its passenger transport operation on specific lines with zero emission technology, specifically trains powered by battery and able to run

under catenary line. Lokaltog is operating traffic on multiple conventional single track rail lines on the islands of Sjælland, Lolland and Falster. Traffic is often dense with fixed timetables corresponding to further train connections, busses, schools etc. There are multiple level crossings on the lines. Most of the traffic is performed on Lokaltog's own infrastructure, but some traffic is performed on the Danish state-owned railway infrastructure of Banedanmark. The 14 BEMU trains must not exceed 47 meters in length and will be deployed on the "Østbanen" and "Tølløsebanen" lines of Lokaltog including the line Køge – Roskilde of Banedanmark. The BEMU trains might at a later point be put into service on the "Lollandsbanen" and "Odsherredsbanen" lines. The 14 BEMU trains will be maintained by Lokaltog at the workshop in Hårlev. Lokaltog will exchange trains between Østbanen and Tølløsebanen for maintenance purposes. Main deliveries • Delivery of 14 BEMU trains • Delivery of an initial package of repairable components and special tools • Delivery of spare parts for preventive maintenance until 15 years after final takeover of the last train • Delivery of obsolescence management until 15 years after final takeover of the last train • Documentation, including but not limited to, spare parts list, documentation related to homologation, maintenance schedule and instructions, operating manual, and safety documentation • Training of Lokaltog's driving instructors and technical staff in the trains operation and performance The contract includes an option for Lokaltog to make an order of maximum 10 additional BEMU trains, including spare parts supply.

Internal identifier: Tender for Rolling Stock

5.1.1 Purpose

Nature of the contract: Supplies

Main classification (cpv): 34600000 Railway and tramway locomotives and rolling stock and associated parts

Additional classification (cpv): 34610000 Rail locomotives and tenders

Additional classification (cpv): 34611000 Locomotives

Additional classification (cpv): 34620000 Rolling stock

Additional classification (cpv): 34622200 Railway passenger coaches

Additional classification (cpv): 34631000 Parts of locomotives or rolling stock

Options:

The buyer reserves the right for additional purchases from the contractor, as described here: The contract includes an option for Lokaltog to make an order of maximum 10 additional BEMU trains, including spare parts supply. Please note that the conditions for exercise of the option is subject to negotiation during the tender proces.

5.1.2 Place of performance

Country subentity: Vest- og Sydsjælland (DK022)

Country: Denmark

5.1.3 Estimated duration

Duration: 20 YEAR

5.1.4 Renewal

Maximum renewals: 0

5.1.5 Value

Estimated value excluding VAT: 220,000,000 EUR

5.1.6 General information

Reserved participation: None

Procurement Project not financed with EU Funds.

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

Additional information: 1) Participation in the tender procedure may only take place via the electronic tendering system used by Lokaltog. For access to the procurement documents, the candidate must be registered or register as a user. All communication in connection with the tender procedure, including questions and answers, must take place through the electronic tendering system. 2) The candidate must as its application to participate submit an ESPD as preliminary Documentation of the circumstances in section 148(1), paras (1)-(3) of the Danish Public Procurement Act, cf. s.11 of Ministerial Order on procurement by entities operating in the water, energy, transport and postal services sectors ("Ministerial Order"). The ESPD is to be completed directly in the electronic tendering system. 3) The estimated value of the contract is a rough estimate incl. options 4) An economic operator may only submit one application to participate. "Economic operator" shall be defined as a single economic operator or a group of economic operators (a consortium). In addition, two or more economic operators who are part of the same legal group may not submit more than one application to participate, unless the economic operators can demonstrate that their participation in the tender process is and continuously will be autonomous and independent. 5) For groups of operators (e.g., a consortium), a separate and signed ESPD must be submitted for each participating operator. In addition, a signed Consortium declaration (Tender Annex B) shall be submitted as Part of the application, declaring that each operator in the consortium is jointly and severally Liable, directly and unconditionally for the performance of the contract. The Candidate is encouraged to use the template, cf. Tender Annex B. 6) If the candidate relies on the capacity of other entities, a signed ESPD must be submitted for each of the entities on which the candidate relies. In addition, a Statement of support (Tender Annex C) from each supporting entity shall be submitted as part of the application, declaring that capacities will be made available to the candidate. The supporting entity/entities shall undertake joint and several liability (economic and financial capacity) and/or perform the relevant parts of the contract (technical and professional capacity). The Candidate is encouraged to use the template, cf. Tender Annex C. 7) A candidate will be excluded from participation if the candidate is subject to the grounds for exclusion set out in ss. 134a, 135, 136, and 137 of the Danish Public Procurement Act, cf. s. 11, para. (1) of the Ministerial Order. A candidate that has submitted sufficient documentation for its reliability, cf. s. 138 of the Danish Public Procurement Act, cf. s.11(1), para. (2) of the Ministerial Order will not be excluded. 8) Lokaltog intends to ask the applicants to provide documentation for their fulfillment of section 148 (1), paras (1)-(3) of the Danish Public Procurement Act, cf. s.11 of the Ministerial Order after pre-qualification. As documentation for the candidate not being subject to grounds for exclusion, all tenderers must upon request submit the following: - Service certificate issued by the Danish Business Authority, no later than six months from the date of request, or - for international tenderers the contracting authority will accept the documentation stated in e-Certis for the relevant country. 9) In the event of change of the tenderer, the provisions of s. 147 of the Danish Public Procurement Act will apply in their entirety. 10) Questions concerning the application for participation may be submitted at the "QnA" section in Ethics where answers will also be made available. 11) An information meeting will be held online on the 8th January 2024. For more information on how to sign up please see the Tender Terms and Conditions. 12) Individual on-site visits will be held between 22-26 January 2024. Reference is made to the tender documents regarding practicalities of the on-site visits. 13) Due to the size of the measurement videos in Appendix 3.6 of the tender documents they are not available on Ethics, but can be accessed directly via the following links:

Further guidance can be found in the Tender Terms and

Conditions, paragraph 2.3

5.1.9 Selection criteria

Criterion:

Type: Economic and financial standing

Name: Current ratio

Description: The candidate shall in the ESPD, Part IV.B Economic and financial standing, give the following information on current ratio: - Current ratio in the last available financial year calculated as: $(\text{current assets} \times 100) / \text{current liabilities} = \text{current ratio} (\%)$ The minimum requirement on current ratio is: - A current ratio of more than 80 % in the last available financial year The following applies to all criteria on economic and financial standing: If the candidate is the parent company of a group of companies (i.e., the same legal group), or if the candidate relies its economic and financial standing on its parent company, the current ratio, turnover and equity may be based on the financial figures of the consolidated financial statements of the group of companies, cf. directive 2013/34/EU (directive on the annual financial statements, consolidated financial statements and related Reports of certain types of undertakings). If the candidate is an intermediate parent company (i.e., the parent company of a "sub-group" of companies), or the candidate is relying on the economic and financial capacity of such an intermediate parent company, the current ratio, turnover and equity may be based on the financial figures of the consolidated financial statements of the "sub-group" of companies. If the candidate is relying on the capacity of one or more other entities, the current ratio, turnover and equity ratio will be calculated based on the combined financial figures of the candidate and the supporting entities. This means, e.g., in relation to the current ratio that the calculation will be based on the combined current assets and combined short-term debt of the candidate and the supporting entities ($\text{current ratio} = (\text{combined current assets} \times 100) / \text{combined short-term debt}$). If the candidate and the supporting entity/entities have consolidated financial statements, the calculations of the current ratio, turnover and equity will be based on such consolidated financial statements; In this case, the candidate and supporting entities should provide the information necessary in the ESPD to allow for correct calculations. If the candidate is a group of economic operators (e.g., a consortium), the current ratio, turnover and equity will be calculated in the same manner as candidates with one or more supporting entities, i.e., on the basis of the combined financial figures of the participating economic operators. If any of the participating economic operators (in the consortium) have consolidated financial statements, the calculations concerning these economic operators will be made based on such consolidated financial statements; in this case, the economic operators in question should provide the information necessary in the ESPD to allow for correct calculations. If the candidate is relying on the capacity of one or more other entities, the candidate must provide statements of support or other documentation proving that the candidate has access to the necessary economic and financial standing, cf. Tender Annex C. If the candidate is awarded the contract, the supporting entity/entities shall undertake joint and several liabilities. If the candidate is a group of economic operators (e.g., a consortium), the candidate must enclose Tender Annex B. The contracting authority intends to ask the candidates to provide documentation for their fulfilment of the minimum requirements concerning financial and economical standing after pre-qualification. The documentation for fulfilment of the minimum requirements concerning financial and economic standing after pre-qualification must

consist of audited financial statements or excerpts thereof for the 3 latest financial years, depending on the date on which the candidate's undertaking was set up or the candidate started trading, where publication of financial statements is required under the law of the country in which the candidate is established. If the candidate is unable to present audited financial statements for a valid reason, the contracting authority can accept any other form of documentation the contracting authority deems appropriate.

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: Economic and financial standing

Name: Total annual turnover

Description: The candidate shall in the ESPD, Part IV.B Economic and financial standing, give the following information on total annual turnover: - Total annual turnover in each of the last three available financial years The minimum requirement on total annual turnover is: - A total annual turnover of at least EUR 250,000,000 calculated as an average of the last three available financial years

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: Economic and financial standing

Name: Equity

Description: The candidate shall in the ESPD, Part IV.B Economic and financial standing, give the following information on equity: - Equity in each of the last three available financial years. The minimum requirement on equity is: - A positive equity calculated as an average of the last three available financial years.

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: Economic and financial standing

Name: Specific average turnover

Description: Its specific average yearly turnover in the business area covered by the contract for the number of years required in the relevant notice, the procurement documents or the ESPD is as follows:

Use of this criterion: Not used

Criterion:

Type: Economic and financial standing

Name: Set up of economic operator

Description: In case the information concerning turnover (general or specific) is not available for the entire period required, please state the date on which the economic operator was set up or started trading:

Use of this criterion: Not used

Criterion:

Type: Economic and financial standing

Name: Financial ratio

Description: Concerning the financial ratios specified in the relevant notice, the procurement documents or the ESPD, the economic operator declares that the actual values for the required ratios are as follows:

Use of this criterion: Used

Criterion:

Type: Economic and financial standing

Name: Professional risk indemnity insurance

Description: The insured amount in its professional risk indemnity insurance is the following:

Use of this criterion: Not used

Criterion:

Type: Economic and financial standing

Name: Other economic or financial requirements

Description: Concerning the other economic or financial requirements, if any, that may have been specified in the relevant notice or the procurement documents, the economic operator declares that:

Use of this criterion: Used

Criterion:

Type: Other

Name: Certificates by independent bodies about quality assurance standards

Description: Will the economic operator be able to produce certificates drawn up by independent bodies attesting that the economic operator complies with the required quality assurance standards, including accessibility for disabled persons?

Use of this criterion: Not used

Criterion:

Type: Other

Name: Certificates by independent bodies about environmental management systems or standards

Description: Will the economic operator be able to produce certificates drawn up by independent bodies attesting that the economic operator complies with the required environmental management systems or standards?

Use of this criterion: Not used

Criterion:

Type: Suitability to pursue the professional activity

Name: Enrolment in a relevant professional register

Description: It is enrolled in relevant professional registers kept in the Member State of its establishment as described in Annex XI of Directive 2014/24/EU; economic operators from certain Member States may have to comply with other requirements set out in that Annex.

Use of this criterion: Not used

Criterion:

Type: Suitability to pursue the professional activity

Name: Enrolment in a trade register

Description: It is enrolled in trade registers kept in the Member State of its establishment as described in Annex XI of Directive 2014/24/EU; economic operators from certain Member States may have to comply with other requirements set out in that Annex.

Use of this criterion: Not used

Criterion:

Type: Suitability to pursue the professional activity

Name: For service contracts: authorisation of particular organisation needed

Description: Is a particular membership of a particular organisation needed in order to be able to perform the service in question in the country of establishment of the economic operator?

Use of this criterion: Not used

Criterion:

Type: Suitability to pursue the professional activity

Name: For service contracts: membership of particular organisation needed

Description: Is a particular membership of a particular organisation needed in order to be able to perform the service in question in the country of establishment of the economic operator?

Use of this criterion: Not used

Criterion:

Type: Technical and professional ability

Name: References

Description: The candidate must submit a list of the up to 5 most significant comparable deliveries (references) in the ESPD, Part IV.C Technical and professional ability. The delivery description (references) should include a clear description with the following information. I. Description of delivery or received orders for delivery of battery trains or battery trains on a platform for electric regional trains based on AC or MS (AC/DC). The description should include a description of the delivered or ordered train, quantity, date of delivery and name of the customer (recipient) II. Description of achieved homologation of a train(s) on a Platform for electric regional trains based on AC or MS (AC/DC) in accordance with TSI Loc&Pas 2014. The description must include example(s) of how changes of TSI standards have been implemented on the platform(s) and the name of the country where homologation was achieved. The descriptions (references) can be made in clearly marked separate documents. If more than 5 references are stated, only the first 5 references will be considered. If it is not possible to decide which references are the first 5 references, the references will be selected by drawing lots. The minimum requirements on the technical and professional ability of candidates are as follows: I. The candidate must have delivered or received an order for at least 10 battery trains or have delivered or received an order for at least 10 battery trains on a Platform for electric regional trains based on AC or MS (AC/DC) within the last 5 years. II. The candidate must have achieved homologation of at least 1 train on a Platform for electric regional trains based on AC or MS (AC/DC) in accordance with TSI Loc&Pas 2014 or later in an EU/EEA member state. Furthermore, the candidate must have implemented changes of TSI standards on the Platform. Minimum requirement I shall be covered by one reference. Please note that the candidate may only state its own references in its own ESPD, i.e., for the legal entity concerned (e.g., a company). This means that references of group companies may only be taken into account if the candidate relies on those group companies in relation to suitability and, thus, if a separate ESPD and statement of support are submitted for those group companies. If the application is submitted by a joint group of economic operators (e.g., a consortium), the minimum requirement must be fulfilled by the joint group of economic operators as a whole, e.g., the minimum requirements can be fulfilled by a consortium consisting of two economic operators ('X' and 'Y') where economic operator 'X' fulfils requirement (I) above and economic operator 'Y' fulfils requirement (II). The same applies in the situation where a candidate is relying on the capacity of one or more other entities. If the candidate is relying on the capacity of 1 or more other entities, the candidate must provide statements of support or other documentation proving that the candidate has access to the necessary technical and professional ability, cf. Tender Annex C. The candidate may only rely on the capacity of another entity regarding technical and professional ability where the entity will perform the services for which these capacities are required. Selection: The contracting authority will invite 3 candidates to submit an offer. The selection of candidates invited to submit an offer will take place after an evaluation of which candidates have documented the most relevant deliveries. The evaluation of the most relevant deliveries will be made based on the extent to which the references document experience with delivery of the main deliveries covered by the

contract, see the description in the contract notice. The assessment of which candidates have documented the most relevant references will be based on an overall assessment of whether all the references together document a high degree of relevant experience.

Use of this criterion: Used

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

Maximum number of tenders passing: 3

Criterion:

Type: Technical and professional ability

Name: For supply contracts: performance of deliveries of the specified type

Description: For public supply contracts only: During the reference period, the economic operator has delivered the following principal deliveries of the type specified. Contracting authorities may require up to three years and allow experience dating from more than three years.

Use of this criterion: Used

Criterion:

Type: Technical and professional ability

Name: For service contracts: performance of services of the specified type

Description: For public service contracts only: During the reference period, the economic operator has provided the following main services of the type specified. Contracting authorities may require up to three years and allow experience dating from more than three years.

Use of this criterion: Not used

Criterion:

Type: Technical and professional ability

Name: Technicians or technical bodies for quality control

Description: It can call upon the following technicians or technical bodies, especially those responsible for quality control. For technicians or technical bodies not belonging directly to the economic operator's undertaking but on whose capacities the economic operator relies as set out under Part II, Section C, separate ESPD forms must be filled in.

Use of this criterion: Not used

Criterion:

Type: Technical and professional ability

Name: For works contracts: technicians or technical bodies to carry out the work

Description: In the case of public works contracts, the economic operator will be able to call on the following technicians or technical bodies to carry out the work:

Use of this criterion: Not used

Criterion:

Type: Technical and professional ability

Name: Technical facilities and measures for ensuring quality

Description: It uses the following technical facilities and measures for ensuring quality and its study and research facilities are as follows:

Use of this criterion: Not used

Criterion:

Type: Technical and professional ability

Name: Study and research facilities

Description: It uses the following study and research facilities are as follows:

Use of this criterion: Not used

Criterion:

Type: Technical and professional ability

Name: Supply chain management

Description: It will be able to apply the following supply chain management and tracking systems when performing the contract:

Use of this criterion: Not used

Criterion:

Type: Technical and professional ability

Name: Allowance of checks

Description: For complex products or services to be supplied or, exceptionally, for products or services which are required for a special purpose: The economic operator will allow checks to be conducted on the production capacities or the technical capacity of the economic operator and, where necessary, on the means of study and research which are available to it and on the quality control measures? The check is to be performed by the contracting authority or, in case the latter consents to this, on its behalf by a competent official body of the country in which the supplier or service provider is established.

Use of this criterion: Not used

Criterion:

Type: Technical and professional ability

Name: Educational and professional qualifications

Description: The following educational and professional qualifications are held by the service provider or the contractor itself, and/or (depending on the requirements set out in the relevant notice or the procurement documents by its managerial staff.

Use of this criterion: Not used

Criterion:

Type: Technical and professional ability

Name: Environmental management measures

Description: The economic operator will be able to apply the following environmental management measures when performing the contract:

Use of this criterion: Not used

Criterion:

Type: Technical and professional ability

Name: Number of managerial staff

Description: The economic operator's number of managerial staff for the last three years were as follows:

Use of this criterion: Not used

Criterion:

Type: Technical and professional ability

Name: Average annual manpower

Description: The economic operator's average annual manpower for the last three years were as follows:

Use of this criterion: Not used

Criterion:

Type: Technical and professional ability

Name: Tools, plant or technical equipment

Description: The following tools, plant or technical equipment will be available to it for performing the contract:

Use of this criterion: Not used

Criterion:

Type: Technical and professional ability

Name: Subcontracting proportion

Description: The economic operator intends possibly to subcontract the following proportion (i.e. percentage) of the contract. Please note that if the economic operator has decided to subcontract a part of the contract and relies on the subcontractor's capacities to perform that part, then please fill in a separate ESPD for such subcontractors, see Part II, Section C above.

Use of this criterion: Not used

Criterion:

Type: Technical and professional ability

Name: For supply contracts: samples, descriptions or photographs without certification of authenticity

Description: For public supply contracts: The economic operator will supply the required samples, descriptions or photographs of the products to be supplied, which do not need to be accompanied by certifications of authenticity.

Use of this criterion: Not used

Criterion:

Type: Technical and professional ability

Name: For supply contracts: samples, descriptions or photographs with certification of authenticity

Description: For public supply contracts: The economic operator will supply the required samples, descriptions or photographs of the products to be supplied and will provide certifications of authenticity where applicable.

Use of this criterion: Not used

Criterion:

Type: Technical and professional ability

Name: For supply contracts: certificates by quality control institutes

Description: Can the economic operator provide the required certificates drawn up by official quality control institutes or agencies of recognised competence attesting the conformity of products clearly identified by references to the technical specifications or standards, which are set out in the relevant notice or the procurement documents?

Use of this criterion: Not used

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: 3

5.1.10 Award criteria

Criterion:

Type: Price

Name: Price

Weight (percentage, exact): 60

Criterion:

Type: Quality

Name: Quality of the train sets offered

Weight (percentage, exact): 30

Criterion:

Type: Quality

Name: Organization of the project

Weight (percentage, exact): 10

5.1.11 Procurement documents

Languages in which the procurement documents are officially available: ENG

Deadline for requesting additional information: 2023-11-20+01:00 23:55:00+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: 2023-12-18+01:00

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

Description of the financial guarantee: [The contract contains an on-demand performance guarantee and an on-demand advance payment guarantee. Reference is made to the tender documents regarding the specific terms of the guarantees. Please note that Lokaltogs requirements regarding these guarantees are subject to negotiation during the tender proces. Thus, the requirements may be changed according to Lokaltog's decision.] ---

Deadline for receipt of requests to participate: 2023-12-05+01:00 09:00:00+01:00

Information that can be supplemented after the submission deadline:

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

Additional information: The contracting authority may ask an applicant to supplement, specify or complete the application pursuant to Article 76, para. (4) of directive 2014/25/EU of the European Parliament and of The Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC.

Terms of contract:

Conditions relating to the performance of the contract: If the supplier uses sub-suppliers, this is subject to certain prerequisites, see the contract clause 20. Please note that Lokaltogs requirements regarding delivery schedules and times are subject to negotiation during the tender process. Thus, the requirements may be changed according to Lokaltog's decision.

A non-disclosure agreement is required

Electronic invoicing: Required

Electronic payment will be used

Legal form that must be taken by a group of tenderers that is awarded a contract: No specific legal form is required. If the contract is awarded to a group of economic operators (e.g. a consortium), each participant of the group must assume joint and several liability and appoint a joint representative.

Financial arrangement: Reference is made to the tender material documents with regard to the financial terms. Please note that Lokaltogs requirements regarding these financial conditions and payments are subject to negotiation during the tender proces. Thus, the requirements may be changed according to Lokaltog's decision.

Information about review deadlines: Pursuant to the Danish Act on the Complaints Board for Public Procurement, etc. (lov om Klagenævnet for Udbud m.v.) (the Act is available (in Danish) the following deadlines apply to the lodging of complaints: Complaints for not having been selected must be submitted to the Danish complaints board for public procurement before the expiry of 20 calendar days, see section 7(1) of the Act, from the day after submission of notification to the candidates concerned of the identity of the successful tenderer if the notification is accompanied by an explanation of the grounds for the decision in accordance with section 2(1), para. (1) of the Act. In other situations, complaints of award procedures, see section 7(2) of the Act, must be lodged with the Danish Complaints Board for Public Procurement before the expiry of 45 calendar days after the contracting entity has published a notice in the Official Journal of the European Union that the contracting entity has entered in-to a contract. The deadline is calculated from the day after the day when the notice was published. Not later than at the time of lodging a complaint with the Danish Complaints Board for Public Procurement, the complainant must notify the contracting entity in writing that a complaint has been lodged with the Danish Complaints Board for Public Procurement and whether the appeal was lodged during the standstill period, see section 6(4) of the Act. In cases where the complaint was not lodged within the standstill period, the complainant must furthermore indicate whether a suspensory effect of the complaint has been requested, see clause 12(1) of the Act. The e-mail address of the Complaints Board for Public Procurement is set out in section VI.4.1). The Complaints Board's own complaints procedure is available [din-klage/ klagenævnet-for-udbud](#).

5.1.15 *Techniques*

Framework agreement:

None

Information about the dynamic purchasing system:

None

5.1.16 *Further information, mediation and review*

Review organisation: [Klagenævnet for Udbud] ---

Organisation providing additional information about the procurement procedure: [Lokaltog A/S] ---

Organisation providing more information on the review procedures: [Klagenævnet for Udbud] ---

Organisation receiving requests to participate: [Lokaltog A/S] ---

Organisation processing tenders: [Lokaltog A/S] ---

8. Organisations

8.1 ORG-0001

Official name: Lokaltog A/S

Registration number: ORG-26 15 90 40

Postal address: Jættevej 50

Town: Ringsted

Postcode: 4100

Country subentity: Vest- og Sydsjælland (DK022)

Country: Denmark

Contact point: Kenneth Juul

Email:

Telephone: 29 73 35 53

Internet address:

Roles of this organisation:

Buyer

Organisation providing additional information about the procurement procedure

Organisation receiving requests to participate

Organisation processing tenders

8.1 ORG-0002

Official name: Klagenævnet for Udbud

Registration number: ORG-37795526

Postal address: Toldboden 2

Town: Viborg

Postcode: 8800

Country subentity: Vestjylland (DK041)

Country: Denmark

Contact point: Klagenævnet for Udbud

Email:

Telephone: +45 72405600

Information exchange endpoint (URL):

Roles of this organisation:

Review organisation

Organisation providing more information on the review procedures

8.1 ORG-0003

Official name: Merzell Holding ASA

Registration number: 980921565

Postal address: Askekroken 11

Town: Oslo

Postcode: 0277

Country subentity: 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: 12d393b4-98f6-4ce6-857d-c66e8c9e1566 - 01

Form type: Competition

Notice type: Contract or concession notice – standard regime

Notice dispatch date: 2023-11-02Z 17:24:50Z

Languages in which this notice is officially available: English

11.2 Publication information

Notice publication number: 00673104-2023

OJ S issue number: 213/2023

Publication date: 2023-11-06Z