

## TENDER CONDITIONS

### 1 DESCRIPTION OF THE CONTRACTING AUTHORITY

#### 1.1 The contracting authority

Lokaltog A/S ("Lokaltog")  
Nordre Jernbanevej 31  
3400 Hillerød  
CVR.no. 26159040

#### 1.2 Lokaltog

Lokaltog is a public limited liability company incorporated under the laws of the Kingdom of Denmark.

Lokaltog is responsible for the operation and maintenance of nine local railways in Zealand, including Lolland and Falster. Further information about Lokaltog can be found on [www.lokaltog.dk](http://www.lokaltog.dk).

#### 1.3 Contact person

Name: Morten Simonsen  
Email: [mosi@lokaltog.dk](mailto:mosi@lokaltog.dk)

### 2 THE OBJECT OF THE CONTRACT

The object of the contract is to obtain successive overhauls of 82 engines mounted on 41 LINT 41 trains, each containing 2 engines, as well as successive overhauls of 82 hydraulic systems powered by the engines, over a duration of 30 months beginning on 12 March 2018 and ending 3 September 2020.

Each individual overhaul shall be completed in accordance with the time schedule enclosed as Tender Appendix 1. The approximate duration of each overhaul is 16 working days.

The *engines* to be overhauled are six cylinder diesel engine with direct injection, exhaust gas turbo charger and inter cooling from MTU. The engines meet the EURO 3 and EURO 3(a) exhaust gas standard with a nominal power output of 315/335 kW, specifically 54 pcs MTU 6H1800 315KW engines (referred to as "Lot 1a") and 28 pcs MTU 6H1800 335KW engines (referred to as "Lot 1b"). Furthermore, onto the engine is mounted a compressed air supply system (air compressor).

The *hydraulic system* to be overhauled (referred to as "Lot 2") is from Rexroth and consists of the following main parts:

- Hydraulic Pump including belt drive: STP0016
- Hydraulic Motor: A2FM10/61W-VBB040
- Hydraulic Motor: A2FM23/61W-VBB040
- Control Valve: STB0155-1x
- Oil Tank with Return Filter: STA0096-1x/

The technical specifications of both the engines and the hydraulic systems as well as the minimum requirements with respect to the overhaul work are described in the Tender Appendix 2.

Lokaltog has decided not to award separate contracts for the overhaul of engines and the overhaul of hydraulic systems as engine and hydraulic systems are directly connected and have the same overhaul interval. It is important to Lokaltog to ensure that risks of delays are eliminated or significantly reduced in relation to the repair works in the warranty period and during reassembly of the overhauled parts onto the trains' power packs. This can only be ensured by having one supplier of overhaul of engines and hydraulic systems.

The general terms and conditions for the overhaul of the engines and the hydraulic systems are described in the draft overhaul agreement, which is enclosed as Tender Appendix 3.

It is noted that it is a requirement that the overhauled components are delivered successively train-by-train as the trains are in operation during the overhaul and only one train at a time can be taken out of operation when the overhaul begins. When the overhauled components are returned, the supplier receives components from the next disassembled train and the first train is reassembled and put back into operation. This process continues successively until all of the trains have been disassembled and reassembled with overhauled components and new spare parts.

The serial number for each component to be overhauled will prior to hand-over to the supplier be registered and documented. For engines the serial number of the original manufacturer will be used, whereas the hydraulic systems will be given a serial number by Lokaltog. The supplier is obliged to use these serial numbers as identification for each component and it is a requirement that the exact same components are handed back after the overhaul.

The winning tenderer will be required to submit a bank guarantee, cf. Tender Appendix 4, prior to the signing of the contract. The bank guarantee must be for 10 % of the contract value. The bank guarantee will be written down to 50 % of the guaranteed amount after completion of the contract, and it will continue until the end of the period of the Performance Guarantee, as described in the overhaul agreement. Tenderers are advised that failure to provide a bank guarantee will oblige Lokaltog to reject the tenderer's offer.

### **3 TENDER DOCUMENTS**

The tender documents include the following:

- The contract notice
- The tender conditions, including the following appendices
  - Tender Appendix 1: Time schedule
  - Tender Appendix 2: Technical Specification and Minimum Requirements
  - Tender Appendix 3: Draft Overhaul Agreement
  - Tender Appendix 4: Bank Guarantee
  - Tender Appendix 5: Bid schedule
  - Tender Appendix 6: ESPD file

The tender documents are available at <http://www.lokaltog.dk/erhverv/udbud/>.

Access to the tender documents requires the application of the following username and password:

- Username: Engine
- Password: LokaltogEngine

### **4 INDICATIVE TIMESCHEDULE**

<b>Date</b>	<b>Event</b>
15 December 2017	Publication of contract notice in the Supplement to the Official Journal of the European Union and tender documents on Lokaltog's website
4 January 2018	Deadline for submission of question
16 January 2018	Offer submission deadline
17 January 2018 - 23 January 2018	Tender evaluation
24 January 2018 - 14 February 2018	Verification of information in the ESPD submitted by the tenderer with whom Lokaltog intends to enter into a contract

15 February 2018 - 27 February 2018	Notification of the contract award decision and initiation of the obligatory standstill period of ten (10) calendar days
28 February 2018	Expected signing of the contract

## 5 WRITTEN QUESTIONS

If any part of the tender material is unclear to the tenderer, or if any circumstances in relation to the tender procedure should give rise to uncertainties, the tenderers are requested to bring such matters to the attention of Lokaltog by submitting questions.

Lokaltog requests that any questions are submitted as early as possible and at the latest on 4 January 2018. All questions will be answered no later than six days before the offer submission deadline, cf. Section 7.1 below.

Questions must be forwarded in writing by email to Lokaltog's contact person, cf. Section 1.3 above. Questions forwarded by any other means or posed orally will not be answered.

All questions and answers will be depersonalized and made available to all prospective tenderers at <http://www.lokaltog.dk/erhverv/udbud/>. Please apply the username and password stated in Section 3.

## 6 THE TENDER PROCEDURE

The tender procedure is an open procedure pursuant to Article 45 of the European Parliament and the Council's Directive 2014/25/EU of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors ("EU Utilities Directive").

The open procedure implies that any interested economic operator may submit an offer in response to the contract notice published by Lokaltog in the Supplement to the Official Journal of European Union.

Moreover, the open procedure means that Lokaltog is not allowed to carry out negotiations with the tenderers either during the tender procedure or after the award of the contract.

Tenderers are advised that Lokaltog is bound by the principles of equal treatment and transparency.

## 7 SUBMISSION OF TENDERS

### 7.1 Offer Submission Deadline and Contact Point

The deadline for submission of an offer is **16 January 2018 at 23:59 (CET)**.

Offers must be submitted by email to Lokaltog's contact person, cf. Section 1.3 above, in accordance with the requirements to form and content of the offers set forth below.

Lokaltog prefers that the header of the email by which the offer is submitted refers to "Tender for Overhaul of Engines and Hydraulic Systems".

### 7.2 Requirements to form and content of the offer

The offer must contain the following documents:

- A filled-in and signed version of the bid schedule (Tender Appendix 5)
- A filled-in version of the ESPD (Tender Appendix 6)
- A description and technical specification of the tenderer's offered solution(s), i.e. the overhaul offered, including the following:
  - which parts/components that will be replaced by new parts;
  - which parts/components that will be overhauled and how the overhaul will be performed and tested (in this respect, the offer shall contain a written description of the tenderer's test programmes and procedures), and
  - which parts/components that will be inspected and what evaluation criteria that will be used for accepting or rejecting a part/component.

- A description of the offered maintenance and repair service specifying the tenderer's ability to deliver according to the time schedule (or better), the tenderer's ability to perform guarantee inspections/corrections/repairs, and the offered reaction time.

### 7.3 **Language**

The offer, including technical documentation, must be drawn up in English, German and/or Danish.

### 7.4 **Variants (alternative offers)**

Each tenderer can submit one offer. Variants (alternative offers) will not be accepted.

### 7.5 **Reservations**

If the offer contains reservations regarding the tender conditions and/or contract documents and the reservations relate to a fundamental aspect of the tender conditions and/or contract documents, including any minimum requirements, Lokaltog is obligated to reject the offer.

If the reservation relates to a non-fundamental part of the tender documents and/or contract documents, Lokaltog is entitled to reject the offer, but may instead choose to convert the reservation into a monetary value and add this amount to the offered price. However, if a reservation cannot be converted into a monetary value with sufficient certainty, the offer will be rejected.

### 7.6 **Offer Validity Period**

The tenderers must abide by their offers until 90 calendar days after the offer submission deadline.

### 7.7 **Tender cost**

Any costs entailed in the drawing up of the offer are of no concern to Lokaltog, and the tenderers cannot expect to have the offers returned after the tender procedure.

## **8 EXCLUSION GROUNDS AND SELECTION CRITERIA**

### 8.1 **General**

The tenderers shall as part of their offer complete and submit the European Single Procurement Document ("ESPD") as preliminary evidence that the requirements set out below are met.

As Tender Appendix 6 is enclosed an XML-file, which comprise the ESPD document to be completed.

The XML-file is a special file, which can only be accessed and opened through the European Commission's website: <https://ec.europa.eu/growth/tools-databases/espd/filter?lang=en>.

Please observe the following steps:

- a) Accesses the Commission's website
- b) Choose the relevant language
- c) On the next page, press "I am an economic operator"
- d) Press "Import ESPD"
- e) Upload the XML-file enclosed as Tender Appendix 6
- f) Choose the country of origin and press "next" to access the ESPD

The following parts of the ESPD shall be completed:

- Part II.A-C
- Part III.A-C
- Part IV.B-C
- Part VI

After having completed the ESPD, press "Overview" and afterwards scroll down and press "Download as" remember to save the XML-file. The XML-file must be submitted to Lokaltog's contact person, as part of the request for participation.

For further guidance on completion of ESPD, please refer to the Danish Competition and Consumer Authority's guide which can be downloaded at <http://www.kfst.dk>.

## 8.2 **Grounds for exclusion**

The tenderers must observe the mandatory grounds for exclusion as stated in Section 135-136 of the Public Procurement Act, which also apply in tender procedures conducted pursuant to the EU Utilities Directive. The grounds for exclusion are described in more detail in the ESPD.

Furthermore, Lokaltog has decided that the following of the voluntary grounds for exclusion as stated in Section 137 of the Public Procurement Act, shall also apply:

- The 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
- The tenderer has been declared bankrupt or is undergoing insolvency or winding-up proceedings, where the assets of the tenderer is being administered by a receiver or by court if the tenderer has entered an arrangement with creditors, where the commercial activities of the tenderer has been discontinued, or where the tenderer is in a similar situation under a similar procedure under national law in the jurisdiction in which the tenderer is registered
- The 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
- The 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

The tenderer shall state in part III.A-C of the ESPD whether the tenderer - i.e. both the company and the members of the management - observes all the mandatory grounds for exclusion and the above mentioned voluntary grounds for exclusion, which Lokaltog has decided shall also apply.

## 8.3 **Financial capacity**

In order to ensure that the tenderer possesses the necessary financial capacity to perform the contract, the tenderer must have a liability insurance with a coverage of minimum DKK 25 million (or, if the coverage is not in DKK, an amount equivalent to such amount in another currency). The tenderer shall state in part IV.B of the ESPD whether the tenderer meets this requirement.

## 8.4 **Technical capacity**

The tenderers must have experience in overhauling of train engines and hydraulic systems. The tenderers must provide one (1) reference regarding overhaul of train engines and one (1) reference regarding overhaul of hydraulic systems. The recipient of the overhaul of train engines and overhaul of hydraulic systems can be the same. The overhaul must have been carried out in whole or in part within the past five years. Thus, ongoing overhauling will be accepted as reference. Each reference must include (i) the recipient of the overhaul, (ii) the period of delivery and (iii) the economic value of the overhaul. The tenderer shall provide this information in part IV.C of the ESPD.

## 8.5 **Reliance on the capacities of other entities**

The tenderers may, if necessary, rely on the capacity of other legal entities in order to meet the above mentioned selection criteria to financial and technical capacity. In such case, the supporting legal entities shall also complete an ESPD in accordance with the above.

## 8.6 **Legal form**

There are no specific requirements regarding the legal form to be taken by the tenderers in order to be eligible for award of the contract. However, if a group of tenderers, such as a consortium, submit a joint offer, each of the group members shall complete an ESPD in accordance with above.

Please note that if a group of tenderers submit a joint offer, all members of the group must be jointly and severally liable for the performance and fulfilment of the contract.

## **9 CONTRACT AWARD CRITERIA**

### **9.1 The most economically advantageous offer**

The contract will be awarded to the most economically advantageous offer based on the criterion "best ratio between price and quality" on the basis of the following sub-criteria:

- **Price** **50 %**

The price criterion will be evaluated based on the total price offered.

The total price consists of the following, including costs for transportation:

- The price for overhaul of 54 engines 315 kW type (Lot 1a)
- The price for overhaul of 28 engines 335 kW type (Lot 1b)
- The price for overhaul of 82 hydraulic systems (Lot 2)

The prices shall be given in DKK exclusive VAT. The tenderer shall state the prices in the Bid Schedule enclosed as Tender Appendix 5.

- **Quality** **40 %**

The quality criterion will be divided into the following two sub-criteria:

- Offered solution (25 %)

The evaluation will be based on the information in the description and technical specification of the tenderer's offered solution(s) as requested in Section 7.2.

Lokaltog will assess the offer in light of the thoroughness and quality of the offered solution. It will have a positive impact on the evaluation if the use of new parts exceeds the minimum requirements listed in Tender Appendix 2 and if the proposed solution includes tasks in excess of the outlines also listed in Tender Appendix 2. It will also have a positive impact on the evaluation the higher load and longer duration the tenderer will apply when testing the overhauled parts and components. Furthermore, tests with e.g. ultrasound and magnetic particle inspections on parts and components will also have a positive impact on the evaluation.

- Offered maintenance and repair service (15 %)

The evaluation will be based on the information in the description of the offered supply maintenance and service as requested in Section 7.2.

Lokaltog will assess the tenderer's ability to provide quick and flawless service and fault finding. It will have a positive effect on the evaluation if the tenderer can offer access to competent technical personnel at all times and if the tenderer provides quick response time (same day or, if the tenderer is contacted around or after close of business, the next morning).

- **Performance guarantees** **10 %**

It will have a positive impact on the evaluation if the offered performance guarantees exceed the minimum requirements set out in the Overhaul Agreement.

Lokaltog will assess the tenderer's ability to provide a Performance Guarantee Period greater than 400.000 km and the information's given regarding the content of replacement spare stock and the accessibility of it.

## 10 EVALUATION METHOD

Lokaltog will evaluate all compliant offers. Lokaltog will evaluate the offers on an individual basis meaning that each offer is subject to an individual assessment based on the content of the offer.

The contract will be awarded the tenderer who has obtained the highest weighted average point score (the total sum of the awarded points for each criterion/sub-criterion multiplied with the above stated weight) and thus has submitted the most economically advantageous offer.

### 10.1 Evaluation of price

Lokaltog will evaluate the price on a point scale from 0-8, where the tenderer submitting the lowest total price will be given the highest score (8 points) and the tenderer submitting a total price that is 35 % higher than the lowest total price will be given the lowest score (0 points). Prices in between this interval will be awarded points by linear interpolation between those two points. It is noted that in case a tenderer submits a price laying outside the interval, the tenderer will be rejected.

Mathematically, the model can be expressed as follows:

$$\text{Awarded point for price}_i = 8 - \left( \frac{\text{price}_i - \text{lowest price offered}}{\text{lowest price offered} * 1,35 - \text{lowest price offered}} \right) * 8$$

### 10.2 Evaluation of quality and guarantees

Lokaltog will evaluate each sub-criteria under the quality and guarantee criteria on a point scale from 0-8 in accordance with the table below:

- 8 points Best possible solution
- 7 points Very good solution
- 6 points Good solution
- 5 points Above average solution
- 4 points Average solution
- 3 points Below average solution
- 2 points Poor solution
- 1 point Very poor solution
- 0 points Only meets the minimum requirements

## 11 VERIFICATION OF INFORMATION IN ESPD

Prior to the award decision, the tenderer with whom Lokaltog intends to enter into the contract shall provide Lokaltog with documentation for the information in the ESPD.

As documentation that neither the company nor any member of the management has been caught by the exclusion grounds within the last four years, an extract from the relevant register or similar document issued by a competent legal or administrative authority must be submitted.

For Danish tenderers, the documentation can be in the form of a service certificate from the Danish Business Authority. The service certificate may function as documentation for both the company and the members of the management (both its Danish and non-Danish members) provided that each member makes a declaration of consent for the criminal record check. A template for such declaration can be found at the Danish Business Authority's website [www.erhvervsstyrelsen.dk](http://www.erhvervsstyrelsen.dk)

If the tenderer is not domiciled in Denmark and the country in which the tenderer is domiciled does not issue such certificates or documents, or if these do not cover all exclusion grounds, they can be replaced by a declaration under oath. If a declaration under oath is not possible, a solemn declaration made

before a competent judicial or administrative authority, a notary or a competent professional organization in the country in which the tenderer is registered can be provided instead.

As documentation for the liability insurance, the tenderer shall submit a copy of its insurance police.

As documentation for the tenderer's experience in overhauling of train engines and hydraulic systems is described in detail in the ESPD, Lokaltog does not require separate documentation for these.