



Future Planning

Tender specifications

**Negotiated procedure pursuant to Directive
2014/25/EU (the Utilities Directive)**



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Revision History

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Contract on a Solution for Planning and Dispatching of Rolling Stock and Crew

Prequalification is to be applied for by submission of the ESPD. These tender specifications are only relevant to candidates who have been prequalified to submit initial tender and to participate in the negotiation phase. However, Appendix H and I must be signed and submitted by the tenderer as part of the application for prequalification. The tender specifications provide guidelines for submission of tender, communication between the tenderer and the contracting entity, and information about the negotiations and the tendering process in general.



1. Submission of Tender

The tenderer's initial tender must be submitted not later than Wednesday, on June 12, 2019, at 9.00 o'clock. Any initial tenders received after this time will be rejected.

The deadline for submission of final tender will be stated in the contracting entity's invitation to submit final tender. Final tenders received after the deadline specified will be rejected. The deadline for submission of final tender is expected to be October 10 2019, but this is currently only an estimated date.

Tenders must be submitted in English.

The tenderer is only allowed to submit one initial tender. In the negotiation phase, however, the contracting entity may ask the tenderer to submit new or revised initial tenders on the basis of the negotiations, see Appendices B and C.

The tenderer is only allowed to submit one final tender.

The tenderer is bound to keep open its initial tender and subsequent tenders for acceptance for 9 months from expiry of the deadline for submission of tender in question.

Tenders must be submitted via DSB's electronic tendering system. Tenders may not be submitted in any other way, including by e-mail.

The electronic tendering system is accessed via <https://eu.eu-supply.com/login.asp?B=DSB>.

The tender is submitted by uploading the tender to the electronic tendering system. When the tender is uploaded, the tenderer may change the content of or withdraw the tender until the expiry of the deadline for submission of tender.

The contracting entity has no access to the content of the tender until the deadline for submission of tender has expired.

If the tender contains several versions of the same document, the latest uploaded version will apply. The time indicated in the electronic tendering system will determine which version is the latest.

Comentado [KLR1]: KA: Indsat i forhold til endelig tidsplan

Comentado [MAK2]: Afventer endelig tidsplan.



2. Information meeting

An information meeting about the tender procedure will be held by the contracting entity on Friday, March 29, 2019 **in the hours** ~~["[kløkkeslæt]" "[kløkkeslæt]" "[kløkkeslæt]" "14:00 – 16:00"]~~

The information meeting will be held at the following address: Telegade 2, 2630 Taastrup.

For practical reasons, the tenderer is asked to inform whether the tenderer will participate in the meeting. The information should be submitted in a message via the electronic tendering system not later than 3 days before the meeting and must state the number of representatives participating.

At the meeting, the contracting entity will explain the background and purpose of the contract for which tenders are invited. Furthermore, the contracting entity will provide more general information about the structure of the tender documents and the expected proceedings of the negotiations. For further information see Appendix B.

The contracting entity may hold further information meetings than stated above; the tenderer will be informed thereof via the electronic tendering system.

Comentado [KLR3]: KA: Kan DSB indsætte tidsrummet for informationsmødet? Det fremgår ikke umiddelbart af den endelige tidsplan

Comentado [HN4R3]: HN da dette er KA som styre dette er det KA's ansvar via Milena

Comentado [KLR5R3]: Vi har indsat et forslag



3. The Tender Documents

The tender documents are the basis for the tenderer's submission of both initial and final tenders and for conducting the negotiations. The tender documents are accessed via <https://eu.eu-supply.com/login.asp?B=DSB>.

The tender documents consist of the following documents:

- **The contract notice**
- These **tender specifications**
- **ESPD** document to be completed directly in the electronic tendering system
- Appendices to the tender specifications:
 - Appendix A The evaluation tenders (award criteria and evaluation method)
 - Appendix B Additional information (the tender process and preparation of tender)
 - Appendix C Negotiation plan
 - Appendix D Description of Proof of Concept ([Manual](#))
 - Appendix E Template for the tenderer's comments to the contract documents
 - Appendix F Template for tender submission letter which the tenderer may use when submitting the tend
 - Appendix G Declaration on notification of processing of personal data
 - Appendix H Consortium Declaration
 - [Appendix I Declaration of Support](#)
 - [2 Non-Disclosure Agreements \(regarding Proof of Concept\)](#)
 - [3 Non-Disclosure Agreements \(regarding Proof of Concept\)](#)
- Draft **contract** containing the legal provisions governing the relationship between the parties to the contract.
- Draft **appendices 0-14 and 16-23** containing detailed requirements for the products/services to be procured; the appendices will become part of the contract when the tendering procedure is concluded.

If the tenderers should identify aspects of the contract documents which are assessed to constitute substantial risk or cost factors or are commercially inappropriate the tenderers are requested to use the table in Appendix E and submit the completed table together with the initial tender and any subsequent initial tenders for the negotiations. In the table, the tenderers should state the reasons why the aspect(s) concerned is/are identified as substantial risk or cost factors or is/are commercially inappropriate. The tenderers are also asked to suggest alternatives.

Any changes of the tender documents will be communicated to all tenderers participating in the tender via the electronic tendering system.

1.1 Proof of Concept (~~Appendix D~~)

The contracting entity has restricted the free, direct and full access to a limited part of the tender documents (~~Appendix D of the tender specifications~~ data for the use in relation to the Proof of Concept (PoC)) due to the confidential nature of the data for the use in relation to the PoC (PoC-data) information in the description of the Proof of Concept (PoC). The ~~access to the PoC-description of the PoC-data~~ will be ~~handed over~~ granted electronically on an DSB Sharepoint site ~~encrypted USB key~~ upon request from the tenderer subject to the conditions below. ~~When access is granted, the tenderer will receive a link to join the SharePoint site, and the tenderer must follow the instructions on the site that the link refers to in order to get access to SharePoint.~~ It will be possible for all interested tenderers to ~~get~~ obtain access to the ~~information in the description~~ PoC-data of the PoC.

The tenderer must request access to the data via the electronic tendering system. In the request, the tenderer shall include the emails for the employees who need access.



The contracting entity will make a non-disclosure agreement (NDA) available for the tenderer that must be signed and submitted via the electronic tendering system as a condition for the tenderer's access to ~~PoC-data~~the description of the PoC. ~~In addition~~Furthermore, the contracting entity will make a separate NDA available that the tenderer must ensure that all the tenderer's employees, obtaining access to ~~PoC-the description~~data of the PoC, individually has signed and submitted as a condition for the tenderer's access to the ~~description of the PoC~~data.

I

The contracting entity has based the confidentiality assessment, cf. the above, ~~in the view of~~on avoiding abuse of technical insight in the contracting entity's operation.

In continuation hereof, the contracting entity assess that the proportionally precaution in balancing the confidentiality and the equal treatment of the tenderers is that the access to ~~the description of the PoC~~data is restricted by making it a condition that the tenderer and the employees obtaining access to the ~~description of the PoC~~data have signed and submitted a NDA.



4. Communication and questions for the Contracting entity

All communication in connection with the tender procedure, including questions regarding the tender documents, must be in English and must be submitted via the electronic tendering system.

The written questions of the tenderers and the contracting entity's answers will be regularly communicated in anonymized form via the electronic tendering system to all tenderers participating in the procedure.

Questions in connection with the submission of initial tender must be submitted not later than June 3, 2019 at ~~klokkeslet 12:00~~.

Comentado [KLR6]: KA: Vil DSB sætte et tidspunkt ind?

Comentado [HN7R6]: HN KA har ansvaret for tidsplanen

Comentado [KLR8R6]: KA: Vi har indsat forslag



5. The negotiation Phase, including PoC

The negotiation phase runs from receipt of the contracting entity's invitation to participate in the process until invitation to submit final tender pursuant to paragraph [iError! No se encuentra el origen de la referencia.7](#), but see paragraph [iError! No se encuentra el origen de la referencia.6](#).

The negotiations and PoC will be conducted in accordance with Appendix B, paragraph 5, ~~and~~ Appendix C and Appendix D.

The negotiations and PoC will be conducted in English, unless Danish is preferred by the tenderer.



6. Initial Tender

The initial tender consists of the following documents:

1. Tender submission letter (Appendix F)
2. Completed or finalised appendices of the contract
3. Declaration concerning notification of processing of personal data (Appendix G)

The initial tender needs not include the contract and the appendices of the contract that are not supposed to be completed/finalised by the tenderer. The contract and such appendices are deemed to be accepted by the tenderer.

Re A) Tender submission letter

The tenderer should attach a tender submission letter (Appendix F) to its initial tender, containing the following information:

- Name of the supplier or group of suppliers submitting the tender.
- Contact details (e-mail address and telephone number) for the contracting entity's use in connection with the procedure.

Re B) Appendices

The tenderer is requested to complete or finalise the following appendices of the contract:

- Appendix [A1](#) Time Schedule
- Appendix [A2b](#) The Capacity Catalogues
- [Appendix A3b](#) The Supplier's Overall Solution Description
- [Appendix A3bi](#) Proof of Concept Case Description
- Appendix [A8](#) The Supplier's project organisation and insight
- Appendix [A9](#) The Customer's project organisation and insight
- Appendix [A10](#) Maintenance and Support
- Appendix [A14a](#) Specification of charges
- Appendix [A16](#) Terms and conditions for licenses

Each appendix provides guidelines explaining how to complete or finalise the appendix.

Re. C) Declaration on notification of processing of personal data

The tenderer is requested to submit a declaration on notification of processing of personal data in connection with tender procedures, see Appendix G. The tenderer is requested to complete and sign the declaration. If the tender is submitted by a group of suppliers/ consortium each member of the group/consortium must submit the declaration. If the tenderer is relying on supporting entities in regard to technical and professional capacities the supporting entity/entities must also submit the declaration.

The following documents may be enclosed with the initial tender:

- Document with the tenderer's comments to the contract documents (Appendix E).

The tenderers may be asked to submit additional initial tenders if deemed necessary by the contracting entity.

The contracting entity may award the contract on the basis of the initial tender and the tenderers therefore cannot expect negotiation meetings to be conducted, see paragraph 5. The tenderers must therefore ensure that the initial tenders are complete and that prices are based on the contract documents that form the basis of the tenderer's submission of tender. Matters listed in the tenderer's comments to the contract documents (Appendix E) are not considered to be part of the initial tender (but a proposal for negotiations) and the list is therefore not considered a reservation either.



7. Final Tenders

At the end of the negotiation phase, the tenderers are invited to submit their final tenders, see paragraph 5.

The tenderers' final tender must include the same documents as those to be included in the initial tender, see paragraph [jError! No se encuentra el origen de la referencia.](#)⁶ above. However, the tenderer's final tender is not to include the tenderer's possible comments to the contract documents (Appendix E).

During the negotiation proceedings, including in connection with the invitation to submit final tender, the contracting entity may make changes or additions to the information/documents that constitute(s) or are to be enclosed with the final tenders. If so, this will be communicated to all tenderers participating in the tender procedure via the electronic tendering system.



8. Evaluation of Tenders

Final tenders are evaluated as described in Appendix A.



9. Finalisation of the Tender Procedure

Before award of the contract the tenderer to whom the contracting entity intends to award the contract must provide documentation of the information stated in the ESPD, see sections III.1) and VI.3) of the Contract Notice.

The contracting entity reserves the right to require all prequalified tenderers on any time during the tender procedure to provide documentation of the information stated in the ESPD.

When the contracting entity has evaluated which tender has the best price-quality ratio, see Appendix A, and obtained the documentation referred to above, the contracting entity will make its decision regarding award of the contract.

The contracting entity is not obliged to award the contract and is entitled to cancel the tender procedure.

Even though the contract has been awarded to another tenderer, the tenderer is bound by the tender until the contracting entity has signed the contract, but no longer than the date specified for the tenderer to keep open its tender for acceptance.

The notification of the tenderers of the award decision does not mean that the contract has been concluded. The contract is not deemed to have been concluded until the contract is signed.

The contracting entity does not consider the tender procedure completed until the contract has been signed.