

The City of Copenhagen  
The City of Oslo

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# INSTRUCTIONS TO TENDERERS NON-ROAD MOBILE MACHINERY

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03.05.2019



**RESTRICTED PROCEDURE**

**Instructions to Tenderers**

**Competition under Dynamic Purchasing System**

DRAFT

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# 1. Contracting Authority

The Contracting Authority of this specific tender under the Dynamic Purchasing System (hereinafter "DPS") is:

[The City of Copenhagen  
Technical and Environmental Administration  
Islands Brygge 37  
2300 Copenhagen S  
Denmark]

[The City of Oslo  
Agency for improvement and development  
Grensesvingen 6  
0663 Oslo  
Norway]

(hereinafter the "**Contracting Authority**")

The Contracting Authority is responsible for this specific competition under the DPS.

## 2. Subject and scope

This specific competition under the DPS (hereinafter the "**Competition**") concerns [insert description of the procurement] which is further specified in Appendix 1.

[Insert further description of the scope of the Competition]

## 3. Introduction to the Competition

### 3.1 Invitation to Competition

The Contracting Authority conducts this Competition in accordance with the DPS with the purpose of entering into a Contract on the delivery of [insert name of machine].

### 3.2 Procurement procedure

The Competition will be conducted in accordance with the Danish Public Procurement Act no. 1564/2015 (Udbudsloven).

The Competition will be conducted as a restricted procedure according to sections 58-60 of the Danish Public Procurement Act.

For the preparation of Offers, the Tenderers prequalified under the DPS will receive these Instructions accompanied by the Competition documents listed in Section 5.

In case of inconsistencies between these Instructions to Tenderers and the rest of the Competition documents, including the instructive clauses of the individual Appendices to the Contract, the rest of the Competition documents take precedence.

The Contract contains legal provisions to regulate the relations between the contracting parties during the term of the Contract. The detailed technical and operational requirements are set out in the Appendices to the Contract. The provisions of the Contract will therefore often refer to the individual Appendices.

### 3.3 The procedure overview

The Competition is initiated by the submission of an Offer.

Upon submission of the Offers, the Contracting Authority will evaluate the Offers in accordance with the evaluation method, cf. clause 9.

## 4. Time schedule for the Competition

The time schedule is indicative of the procedure to follow and may therefore be amended through the procedure.

Deadline for submission of questions	[Date]
[Potential information meeting]	[Date]
Offer deadline, cf. clause 7.1.	[Date]
Validation of information from ESPD	[Date]
Estimated date on which the Contract will be awarded.	[Date]
Expected date on which the Contract will be signed.	[Date]

## 5. The Competition documents

The Competition documents consist of:

- These Instructions to Tenderers

The documents below with any associated sub-appendices constitute the contract basis:

- "City-specific" Contract
  - Appendix 1: Wheel Loader Specification and Price List
  - Appendix 2: Supplier's Tender (*template*)
  - [Appendix 3: Additional "City-specific" terms]
    - [Appendix 3.1: CSR]
    - [Appendix 3.2: ....]

The Competition documents will be made available electronically on the following URL: [Merzell].

## 6. Communication and questions

The Tenderers will have the opportunity to obtain additional information regarding the Competition documents and the subject-matter of the Competition by submitting questions in writing.

All questions must be made in English and submitted in writing through Merzell.

Information regarding written questions and the answers to these questions will be published in anonymised versions.

Questions received within the deadline for questions, cf. the time schedule in Section 4, will be answered by the Contracting Authority no later than 6 days before the deadline for submission of the Offer.

## 7. Formal requirements

### 7.1 Submission

The Offer must be submitted through Merccell.

The Offer must be submitted no later than:

**[xx.xx 20xx at 12.00]**

Please note that it is not possible to submit offers after the expiration of the deadline.

Tenderers do not have the opportunity to be present when the Offers are opened.

The Offer cannot be submitted by email or in any other way.

The Offer must be drafted - and priced – based on the enclosed Contract and Appendices containing the requirements and expectations of the Contracting Authority in relation to the Tenderer's Offer.

The Tenderer must complete the following Appendices:

- Appendix 1: Wheel Loader Specification and Price List
- Appendix 2: Supplier's description

### 7.2 Validity of Offer

The Offer must remain valid and open for 6 months after the deadline, irrespective of whether the Contracting Authority has entered into a Contract with another Tenderer.

Information regarding the contract having been awarded does therefore not entail that the Tenderer is being released from its Offer.

### 7.3 Language

The Offers must be drafted in English. However, any annexes containing technical specifications, suitability documentation or brochure material can be drafted in **[Danish / Norwegian]**.

Any translation thereof is the sole responsibility of the Tenderer. In case of discrepancies between a translation and the original text, the English text will prevail.

### 7.4 Alternative or Coordinated Offers

**[The Tenderers are not allowed to submit alternative Offers.]**

*The Contracting Authority reserves the right to ask for coordinated Offers, by this means multiple Offers by one Tenderer, in accordance within section 53 of the Danish Act no. 1564/2015 on Public Procurement (Udbudsloven).*

*In case the Contracting Authority requires coordinated Offers there must be a description of the evaluation method for the selection between the coordinated Offers.]*

## 7.5 Return of Offer

A Tenderer cannot demand that the Tenderer's Offer is returned from the Contracting Authority.

## 7.6 Fee

A Tenderer must bear any costs associated with submitting his Offer in this Competition.

# 8. Requirements and Reservations

The Competition documents contain certain fundamental elements as well as certain minimum requirements that the Tenderers must comply with. Any deviations from the fundamental elements and/or minimum requirements are not accepted.

A reservation concerning a fundamental element in the Competition documents is a reservation that may lead to serious distortion of the competition, if the reservation is allowed. A number of reservations concerning non-fundamental elements may together be considered a reservation concerning a fundamental element.

A minimum requirement is a requirement that characterises the nature of the procurement at hand and which must be complied with.

Fundamental elements as well as minimum requirements will not be changed during the Competition.

# 9. Evaluation

## 9.1 Award criteria

The Contract will be awarded based on the award criterion “best price-quality ratio”. In the evaluation of the Offers, the Contracting Authority will use the following criteria with the specified weighting:

1. Price [weight 30 - 50%]
2. Environment/emission [weight 0 - 50%]
3. Fulfilment of Wheel Loader Specification [weight 10 – 50 %]
4. Service Agreement [weight 0-30 %]

When each Offer has been evaluated for each sub-criterion as described below, a final, overall grade will be calculated for each Offer based on the evaluation for each sub-criterion and the weighting of the sub-criteria.

The criteria are described in more detail below:

[The Contracting Authority has the right to add additional or remove the above-mentioned criteria.

Insert description of each sub-criterion].



## 9.2 Evaluation method

*[Insert a description of the evaluation method for price and quality - likely to choose a "price model – average or median".]*

[Alternative 1: The Contracting Authority will apply a price model by which each point for the qualitative criteria is converted to a price addition based on the median price in the Offers, which will then be calculated with the price of the Offer as the evaluation price. The Offer price, the price addition and the evaluation price are estimated prices and are only for the evaluation of the Offers.

The median price in the Offer is the Offer price which in a ranked order of the Offer prices constitutes the middle Offer price, which in case an equal number of Offer prices is the average of the two middle Offer prices.

The price addition for each qualitative criterion is calculated as follows:

*Price addition = (Median price/maximum points) \* (maximum points – awarded points) \* weighing for partial criterion \* weighing for sub criterion*

The evaluation price is calculated as follows:

$$\text{Evaluation price} = (\text{Offer price} * \text{weighing of costs}) + \text{price addition} + [...]$$

The Offer with the lowest evaluation price is the Offer with the best price-quality ratio.]

[Alternative 2: The Contracting Authority will apply a price model by which each point for the qualitative criteria is calculated to a price addition based on the average price of the offers, which then is calculated with the Offer price as the evaluation price. The offer price, the price addition and the evaluation price are estimated prices and are only for the evaluation of the offer.

The average price of the offers is calculated as follows:

$$\text{The average price} = (\text{offer price} + \text{offer price} + [...]) / \text{the number of offers}$$

The price addition for each qualitative criterion is calculated as follows:

*Price addition = (Average price/maximum points) \* (maximum points – awarded points) \* weighing for partial criterion \* weighing for under criterion*

The evaluation price is calculated as follows:

$$\text{Evaluation price} = (\text{offer price} * \text{weighing of costs}) + \text{additional price} + [...]$$

The Offer with the lowest evaluation price is the Offer with the best price-quality ratio.]

## 10. Award of the Contract and the conclusion of the procedure

### 10.1 Notification on the award of the contract and the conclusion of the Competition

When the Contracting Authority has determined which Offer has the “best price-quality ratio” based on the criteria set out in clause 9.1 of these Instructions to Tenderers, the Contracting Authority will notify all Tenderers simultaneously on the award of the Contract.

The Contracting Authority does not regard the Competition as concluded, until the Contract is signed, and will reserve the right to terminate the procedure without an award with due respect to the relevant rules and regulations.

Regardless of whether the Contract is awarded, all Tenderers are bound by the terms of the Offer, until the Contracting Authority have entered into the Contract or for the periods specified in clause 7.2 have expired.

Should the Contracts be awarded to a joint group of economic operators (a consortium), the participants of such a consortium must assume joint and several liability and appoint a representative of the consortium.

The Competition will be concluded when the contract has been signed. It is not mandatory to have a standstill period and a standstill period may therefore be decided in relation to the specific Competition.

The Contracting Authorities publishes a notice of the result of multiple Competitions each quarter in the Official Journal of the European Union in accordance with the applicable rules.

### 10.2 Verification of information in the European Single Procurement Document (ESPD)

Before the Contract is awarded, the Contracting Authority requires that the Tenderer to whom the Contracting Authority intends to award the Contract, provides documentation for the information provided in the ESPD.

*[The specific documentation will be described by the Contracting Authority in accordance with national legislation.]*

**The specific documentation requirement for a foreign Tenderer and any persons related to a foreign Tenderer will depend on the documentation available in the country in which the foreign Tenderer is established.]**

As a rule, the Tenderer will not be asked to provide any further documentation regarding technical and professional capacity, as the information stated in the ESPD is considered to be the final documentation. However, the Contracting Authority reserves the right to contact the former contracting entity to have the reference confirmed.

The Contracting Authority may at any time during the Competition require that the Tenderer presents the above documentation, if it is deemed necessary to ensure the correct performance of the procedure.

## 11. Confidentiality

The Tenderers must observe unconditional confidentiality regarding any information that may come to the Tenderer's knowledge in connection with this Competition. The Competition documents must be handled with strict confidence and the Tenderer is not entitled to use the documents - or the knowledge obtained from the documents - in any other context.

The Tenderer should be aware that the documents, including any Offers received, in this Competition may be subject to the rules on the right of access to documents. This means that competitors and others may request access to the Offers submitted by the Tenderer. With reference to the practices of the Danish Complaints Board for Public Procurement, requests for access to documents from other undertakings that also are participating in the tender process must be complied with by the Contracting Authorities depending on the circumstances. When determining which documents to disclose, consideration is made to whether the Tenderer has asked for the Offer to be treated confidentially and has indicated which part(s) of the offer for which the confidentiality is relevant.

The Contracting Authorities are, however, in any circumstances entitled and obliged to grant access to documents to the extent required by law.