

ADVERTISEMENT CONDITIONS – A LEGAL ANALYSIS ON PHASING OUT FOSSIL FUEL IN INDIVIDUAL HEATING



1. PURPOSE

The Danish Energy Agency (hereinafter referred to as the "contracting authority") requires preparation of a legal analysis on the possibilities of phasing out fossil fuels (primarily oil) in individual heating (households).

The overall aim of the legal analysis is twofold: to support the contracting authority's work to identify possible solutions within the current EU-regulation to limit the use of oil at national or European level, and to identify possible new ways forward in terms of suggestions to possible policy and legal recommendations to the EU regulation.

The advertisement is open to all applicants that comply with the requirements set by the contracting authority in all documents concerning the advertisement (advertising conditions, task description, grant contract etc.)

The contracting authority hereby invites interested eligible companies to submit offers for the solution of this task. The contracting authority's eligibility requirements can be found in the advertisement at www.udbud.dk.

2. SCOPE OF THE TASK

The advertisement includes the procurement of a legal analysis on the possibilities of phasing out fossil fuels (primarily oil) in individual heating (households).

The task is described in more detail in the task description for this advertisement.

3. PERSONAL DATA

The contracting authority processes personal information in connection with receiving offers, typically contact information for one or more employees of the bidder. The General Data Protection Regulation grants rights to the registered, and the contracting authority's processing of personal data are described in the privacy notice at <https://ens.dk/om-os/energistyrelsens-behandling-af-personoplysninger>.

4. PROCEDURE FOR THE ADVERTISEMENT

The contracting authority advertises the task in accordance with Title IV of the Danish Public Procurement Act, as the contracting authority has determined that this contract has a clear cross-border interest.

The process for submitting offers is organised as shown below.

4.1 Advertising material

The material that forms the basis for the submission of offers consists of the following:

- a. Advertising conditions (this document)
- b. The contracting authority's description of the task



- c. The contracting authority's draft contract
- d. Template for declaration of notification of personal data

4.2 Submission of offers

The bidder must prepare a written offer. Only one offer can be made per bidder.

The offer must not exceed two pages, this however does not include annexes, fx. CV's, references etc. Pages beyond the maximum number will not be included in the evaluation. In the event that more than the specified number of pages are submitted, only the first two pages will be considered in the evaluation.

Offers must be received **no later than Friday, 23 April 2021 at 15:00 (CET)**. Offers received hereafter will not be taken into consideration.

Offers must be submitted in writing to Advisor at the Danish Energy Agency, Malene Boskovic, at mlbc@ens.dk.

The offer must include descriptions in relation to the award criteria below, and the received offers will subsequently be assessed based on these criteria.

The offer and all related material shall be in Danish or English.

The bidder must abide by its offer for 2 months after the deadline for submission of offers.

The bidder's costs associated with submitting the offer are irrelevant to the contracting authority, also if the contracting authority decides to cancel the advertisement without awarding a contract.

The contracting authority is not obliged to return the offers to the bidders.

4.3 Selection and contract award

4.3.1 Qualifications and experience

It is a requirement for the contract award that the person or the team assigned with the task of preparing the legal analysis can present and document the following:

- *Experience with tasks similar to the one at hand, e.g. other analysis of extensive EU-legislation in or outside the field of Energy law.*
- *A legal background, either by education or by acquiring significant experience with working with legal analysis in the field of Energy law or other relevant EU-legislation,*
- *Extensive experience with working on projects in the field of Energy law or other relevant EU-legislation, that resulted in giving recommendations in form of policy and legal changes.*



- *Work experience within the EU institutions, or work experience where there was a high degree of collaboration with EU institutions is an advantage.*
- *Excellent English language skills, both written and spoken.*
- *The bidder must describe how they will approach the task and describe an overall plan for the performance of the project. The plan shall include a description of the data basis and shall also contain a proposal regarding which information will be reported at mid-term delivery, cf. the task description. It will be weighed positively in the assessment of this criterion that the description as far as possible meets the contracting authority's needs as described in the task description.*
- *The bidder must submit CVs containing the relevant professional qualifications and experience of the participants in the team, which will be responsible for the performance of the task. The bidder can submit maximum four CVs. Each CV can consist of maximum three pages. It will be weighed positively that the team responsible for the performance of the task has experience with solving similar tasks in or outside the field of Energy law.*

The bidder must describe how they will approach the task and describe an overall plan for the performance of the project. The plan shall include a description of the data basis and shall also contain a proposal regarding which information will be reported at mid-term delivery, cf. the task description. The bidder shall demonstrate the understanding of the task to be delivered and highlighting their main competencies, qualifications and experiences to carry out the work. It will be weighed positively in the assessment of this criterion that the description as far as possible meets the contracting authority's needs as described in the task description.

The bidder must submit CVs containing the relevant professional qualifications and experience of the participants in the team, which will be responsible for the performance of the task. The bidder can maximum submit four CVs. Each CV can maximum consist of three A4 page. It will be weighed positively that the team responsible for the performance of the task has experience with solving similar tasks (as described in the abovementioned bullet points).

References to the most substantial experiences should be enclosed and must not exceed one A4 page in length and should relate to tasks that have been performed within the past 5 years.

Knowledge of other EU-languages of the EU than English, such as French or German will be weighed positively in the selection process.

4.3.2 Pricing.

The Contract commences when signed by both parties and remains in effect until 31 May 2021 but can be extended if the option to extend the contract is enforced by the Costumer. Then the contract remains in effect until 31 July 2021.

Main task

The main task involves delivery of a draft legal analysis, which shall be delivered no later than 31 May.

The task of delivering a draft legal analysis has a budget of maximum DKK 200.000 exclusive VAT (approx. EUR 26.667) and is expected to take 180-200 hours.



Option

Since the results of the legal analysis are dependent on the results of the European Commission's revision of EU-legislation (see task description), during the months of May-July 2021, alterations to the legal analysis could be necessary in order to achieve the aim of the task. In this situation, the contract can be extended if the contracting authority activates the option with two weeks notice. In this case the contract remains in effect until 31 July 2021.

If the option is enforced, it must be the same employees, who worked on the legal analysis, that shall work on the extension, and all terms in this contract and other material that is part of this advertisement also applies to the option.

The option has a budget of maximum DKK 100.000 exclusive VAT (approx. EUR 13.333) and is expected to take 80-100 hours of work.

The contracting authority expects that it will be necessary to enforce the option.

Cooperation with the contracting authority

In regards to the cooperation on the legal analysis when it comes to guidance from the contracting authority to the contractor, the contracting authority will have a limit on maximum 55 hours in time spent on guidance related to the preparation of the legal analysis including time related to the option.

Selection

In accordance with the abovementioned, the contract will be awarded based on the best ratio between experience/qualifications and price.

5. EVALUATION OF OFFERS

After the deadline for submission of offers, the contracting authority will evaluate the received offers on the basis of the in paragraph 4.3 mentioned award criteria and decide, to which bidder to award the contract.

All the bidders will be notified simultaneously, and as soon as possible, of the decision regarding the contract award. The contracting authority intends to conclude the contract following the award decision.

5.1 Contract conclusion

The contract will be concluded on the basis of the draft contract.

The contract sets out the obligations and rights that will apply between the parties in connection with the performance of the task covered by this advertisement. It should be noted that the substantial terms of the draft contract cannot be changed.

The bidder's standard terms and conditions will not form part of the contract basis.



6. QUESTIONS

Any questions about the material or process may be addressed in writing to Advisor at the Danish Energy Agency, Malene Boskovic, at mlbc@ens.dk or mobile: +4533927434, **no later than Friday, 16 April 2021 at 15:00 (CET)**. Questions received after this date will not be answered.

Relevant questions and answers will be made available in anonymized form on www.udbud.dk.

7. CONTACT INFORMATION

The contracting authority is:

The Danish Energy Agency

Carsten Niebuhrs Gade 43

1557 Copenhagen

CVR (Danish central business register): 59 77 87 14

Contact person: Malene Boskovic, mlbc@ens.dk, mobile: +4533927434

8. TIMETABLE

The advertisement is expected to be completed according to the timetable below. It should be noted that the contracting authority reserves the right to make changes. Bidders will be notified of such changes.

Monday, 29 March 2021, at 15:00 hours (CET)	Publication of advertisement on www.udbud.dk
Thursday, 8 April 2021, at 15:00 hours (CET)	Deadline for asking questions
Friday, 16 April 2021, at 15:00 hours (CET)	Deadline for submission of offers
Friday, 23 April 2021, at 15:00 hours (CET)	Expected notification to the bidders of the award decision
Friday, 23 April 2021, at 15:00 hours (CET)	Contract signing

