



TERMS AND CONDITIONS

TABLE OF CONTENTS

1.	INTRODUCTION	1
2.	THE CONTRACTING AUTHORITIES	1
3.	TENDER DOCUMENTS	1
4.	TIME SCHEDULE FOR THE PROHIBITION	2
4.1	Requests for further information	2
4.2	Deadline for receipt of tenders	2
4.3	Tender validity period	2
5.	SELECTION AND DOCUMENTATION	2
5.1	Technical and professional capacity	2
5.2	Consortia and subcontractors	3
6.	MINIMUM REQUIREMENTS AND RESPONSIBILITIES	3
7.	ALLOCATION CRITERIA	3
7.1	The sub-criteria quality	4
7.2	The sub-criteria price	4
8.	EVALUATION METHOD	4
8.1	Evaluation of the quality sub-criterion	4
8.2	Evaluation of the price sub-criterion	5
8.3	Weighting and compilation of criteria	5
9.	ALTERNATIVE OFFER	6
10.	AMBIGUITIES	6
11.	TREATMENT OF OFFERS, ETC.	6
12.	CONFIDENTIALITY	6
13.	ACCESS TO DOCUMENTS	6
14.	DESCRIPTION OF THE OFFERS	7

1. INTRODUCTION

Current purchase is published according to Udbudsloven, lov nr. 1564 af 15. december 2015 afsnit IV. The tender is published on udbud.dk.

The tender includes the conclusion of framework of IT-Consultants to Operations.

2. THE CONTRACTING AUTHORITIES

The contracting authorities are:

Contracting Authorities	Address	Contact Info etc.
Banedanmark CVR nr. 18632276	Amerikaplads 38 DK-2100 København Ø	Tlf.: +45 51 61 27 87 E-mail: xaqr@bane.dk Internetaddress: www.bane.dk

All inquiries, including questions, etc., must be submitted via the above mentioned e-mail during the tender process.

Contact during the process is carried out by:

Awais Qadeer,
E-mail: xaqr@bane.dk

3. TENDER DOCUMENTS

The tender documents consist of:

- Tender publishment on Udbud.dk
- Terms and conditions (this document)
- Statement on consortium formation (used for documentation purposes, cf. section 5)
- Framework agreement
- Appendix for the framework agreement:

The framework agreement with appendix sets out the parties' rights and obligations with the delivery of the tender. The framework agreement with the chosen supplier is signed in continuation of the completion of the tender.

The entire tender material is available via Udbud.dk

Further information, corrections, etc. as well as questions and answers will be included as part of the material and will be included in the final framework agreement.

Additional information will be uploaded on udbud.dk if necessary.

The contracting authorities reserve the right to make minor corrections to the tender documents if the contracting authorities become aware of errors or omissions. Additional information, corrections, etc. as well as questions and answers will be included as part of the tender documents and will be included in the final framework agreement.

4. TIME SCHEDULE FOR THE PROHIBITION

4.1 Requests for further information

Tenderers can ask questions about the material. Questions received no later than Friday 12 January 2018, at 13:00 local time in Denmark, will in any case be answered.

Questions received after this time will also be answered, unless the nature of the question makes it excessively burdensome to reply within 6 days before the expiration of the deadline.

Questions received later than 6 days before the expiry of the deadline will not be answered.

Questions must be submitted in English and via xaqr@bane.dk.

Questions (in anonymous form) and answers will be published on a regular basis via udbud.dk.

All questions should start with a clear reference to which sections in the tender material to which the question relates.

4.2 Deadline for receipt of tenders

Deadline for receipt of tenders is Friday 19 January 2018 at 13:00 local time in Denmark.

Tenders must be submitted via xaqr@bane.dk before expiry of the above deadline.

Offers received after this date will not be taken into consideration.

Offers, including attachments, must be handed in English.

4.3 Tender validity period

The offer must be binding for 6 months after the expiration of the offer period. The tenderer is bound by his/hers tender until the contracting authorities have concluded the framework agreement, but not until the expiration of the deadline.

Orientation about the award decision does not therefore mean that the bidder has already been freed from his/hers offer at this time.

5. SELECTION AND DOCUMENTATION

All interested parties can make an offer. As part of the offer, the bidder must document the fulfilment of the tender publication selection criteria.

Tenderer must deliver as a part of his/hers offer a declaration of the following matters.

5.1 Technical and professional capacity

Tenderers must give statements regarding the following conditions:

- Submission of a list of the most significant equivalent services offered by the tenderer during the last three years.

This is in relation to the bidder's submission of the list of the most significant and equivalent services. It is a **minimum requirement** that the tenderer can document the experience of supplying equivalent services to similar companies.

When completing its references, the tenderer must ensure that the description of the individual references becomes comprehensive so that the contracting authorities can assess the references in relation to what extent they are experienced of supplying equivalent services.

If the bidder is based on the professional experience of other entities regarding the performance of specific parts of the services, the specific parts of the services concerned must be performed by the entity on which the bidder bases his offer.

5.2 Consortia and subcontractors

In the case of associations of tenderers (consortium), the respective declarations **must** be completed.

If the bidder relies on other entities' economic and financial assets (e.g., entities within the same group, including parent, sister or subsidiary companies), each of these entities **must** attach a separate statement that includes the relevant parts of the above statements.

6. MINIMUM REQUIREMENTS AND RESPONSIBILITIES

A minimum requirement is a requirement that must be fulfilled and observed unconditionally, as deviations from this are not accepted. Thus, no reservation can be made against minimum requirements.

Tenderer must respect the following minimum requirements:

- That reservations **cannot** be made against the framework agreement,
- That no reservations may be made for the minimum requirements set out in Appendix 1, section 4 Requirement 3 (consultant categories)
- That no reservations can be made for Appendix 3, which in general constitutes a minimum requirement.
- That no reservations can be made against Appendix 4 (Cooperation Organization), which in general constitutes a minimum requirement.

The above mentioned are minimum requirements and must be observed and the bidder cannot make reservations against these.

If the minimum requirements are not met, the offer is deemed to be unconditional and the offer will not be included in the offer assessment.

The contracting authorities consider the minimum requirements as fundamental elements of the tender. This does not exclude that other elements of the offer may also be fundamental elements.

Subject to minimum requirements and basic elements of the tender documents, the offer will be considered non-conditional and thus not included in the offer assessment.

7. ALLOCATION CRITERIA

Granting of the framework agreement will be made to the tenderer who has submitted the most economically advantageous tender, assessed on the basis of the allocation criterion "Best price/quality ratio".

The allocation criteria "Best Price/Quality Relationship" contain the following sub-criteria with the following weighting:

- Quality (70 %)
- Pricing (30 %)

7.1 The sub-criteria quality

In assessing the sub-criteria "**quality**", emphasis is placed on:

- Provide competent and experienced consultants with professional skills that match the services covered by the framework agreement and who have insight and experience in fulfilling the tasks covered by the framework agreement
- what extent the offered consultants have insight into and experience with the system-specific requirements, cf. Appendix 1, requirement 4.1
- how the qualifications are of the key persons listed in Appendix 4, point 5 involved in the framework agreement, and the roles of the key persons

The assessment is made on the basis of the CVs provided by the tenderer in Sub-Appendix 4A, including CVs for the key persons listed in Appendix 4, Section 5.

The assessment shall also include the extent to which the content with which it offers meets the objectives set out in Appendix 1, section 2:

- Requirements for assignment types (requirements 1-2)
- Requirements for Consultant Categories (requirement 3)
- Requirements for language (requirement 4)
- Requirements for continuous development of consultants' knowledge levels (requirement 5)
- Requirements for documentation (requirement 6)
- Requirements for knowledge sharing and knowledge sharing (requirement 7)

The assessment of "**quality**" is made on the basis of the bidder's answers in Appendix 2 (Supplier's Solution Description) of the mentioned requirements.

7.2 The sub-criteria price

In assessing the "**price**" sub-criteria, emphasis is placed on the lowest total offer price, calculated in accordance with the instructions for Appendix 3 (Prices and Settlement) and calculated and stated in sub-appendix 3A.

8. EVALUATION METHOD

Evaluation of the submitted conditional offers is made on the basis of the above assessment basis in accordance with the principle of equal treatment and transparency.

8.1 Evaluation of the quality sub-criterion

Compared to the qualitative sub-criteria '**quality**', an absolute verbal evaluation will be made which implies that each offer is assessed separately in relation to the stipulated requirements. The evaluation of the individual sub-criteria within the qualitative sub-criteria thus results in an overall estimation of each sub-criterion.

In the assessment, a point model will be used to convey the verbal assessment of the individual sub-criteria.

Thus, for each qualitative sub-criterion, a score is given on a scale from 0 to 7, where 0 is the lowest and 7 is the highest score:

Assessment of the qualitatively offered in relation to the stipulated requirements	Score
Not fulfilled	0
Fulfilled to a small extent	1
Fulfilled to a limited extent	2
Fulfilled below average	3
Fulfilled averagely	4
Fulfilled to a great extent	5
Fulfilled to greater extent	6
Fulfilled to the greatest extent	7

The score is given in whole numbers.

For each criterion an overall assessment of the qualitatively, offered within the sub-criteria, has been made. The evaluation of the individual sub-criterion thus results in a single assessment based on the assessments of the sub-criteria, which form one single point for the sub-criteria.

The overall assessment of a sub-criterion is thus made on the basis of an overall assessment of the sub-criteria that are presented in the overall qualitative evaluation of the sub-criterion.

8.2 Evaluation of the price sub-criterion

The evaluation within the sub-criterion "**price**" is based on the total bid price, cf. 8.3. Points are awarded for the sub-criterion using the following point model, where points are scored on a scale of 0-7 and where 7 are the maximum points.

The lowest total offer price is automatically given maximum points. The remaining total offer prices are given points from a relative point model according to the following formula:

$$\text{Total Score of the Offer} = \left(\frac{\text{Lowest Offer Price}}{\text{Offer Price}} \right) * \text{maximum points}$$

This number will round to a number with 2 decimal places.

The calculated point for the "price" sub-criterion, cf. the above, is then included in the summary of points for the assessment of the qualitative sub-criteria.

8.3 Weighting and compilation of criteria

The points awarded for the qualitative sub-criteria and the sub-criteria "price" is then weighted according to the specified weighting of each sub-criterion, cf. 8.1 above, whereby the weighted points appear.

In order to identify the economically most advantageous offer based on the award criterion "Best Value and Quality", the points are combined in accordance to the percentage between price and quality as defined in section 7.

9. ALTERNATIVE OFFER

Tenderer is not entitled to offer alternative offers.

Tenderers have sole access to submit one offer.

10. AMBIGUITIES

Tenderer must clarify any uncertainties through written questions.

After the expiration of the deadline for written questions, cf. 4.2, be aware of ambiguities, the tenderer must indicate in the tender which assumptions are assumed.

11. TREATMENT OF OFFERS, ETC.

Tenderers are not allowed to attend the opening of the bidder or to obtain information about competitors' offers.

The contracting authorities are not obliged to return the offer to the tenderer.

The tenderer's costs in connection with this call are unavailable to the contracting authorities.

12. CONFIDENTIALITY

Tenderers must observe unconditional confidentiality against unauthorized persons regarding matters that may arise from the bidder's knowledge.

The material must be treated strictly confidential and the bidder is not entitled to use this material or the knowledge obtained in any other context.

Upon completion of the procurement process, contracting authorities are entitled to require the bidder to destroy and delete any copy of the material near to one which must be kept securely by the bidder.

13. ACCESS TO DOCUMENTS

The contracting authorities are subject to the administrative rules, including the legislation on public access and public administration.

It should be noted that with reference to the offer, tenderers may indicate which parts of the offer are considered by the bidder as technical secrets, trade secrets and/or confidential aspects.

The contracting authorities are not bound by the bidder's statements in reference to any request for access, but the statements will be included as an element in the contracting authority's assessment of whether and to what extent access is to be granted.

14. DESCRIPTION OF THE OFFERS

The offer shall consist of the documents set out below. The documents should appear from the offer in the order listed and preferably separated by tabs.

Tenderer should fill out the following outline for the offer:

1. Contact Info
2. Filled statements
3. Framework Agreement
4. Appendix to Framework Agreement
5. Technical and professional capacity

1. Contact Info

This section should include the following contact information:

- Name of the contact person
- Position
- Address
- Phone nr.
- Direct phone nr.
- E-mail address

2. Filled Statements

Statements must be filled out on the basis of the tender announcement and the requirements mentioned in section 6.

3. Framework Agreement

The framework agreement must be submitted to the tenderer and the tenderer must complete the following items in the framework agreement:

- Item 01: Parties to the Framework Agreement
- Item 38: Signatures

4. Appendix to the framework agreement

It should be apparent from the individual appendixes and instructions for appendixes how tenderers should relate to the offer and what fields the tenderer must complete in regards with the submission of the offer.

The following appendixes needs to filled out by the tenderer

1. Appendix 2 – Suppliers Solution Description
2. Appendix 3a – Pricing
3. Appendix 4 – Cooperation Organization
4. Appendix 4a – Supplier's CVs
5. Appendix 6 – Statement of Support of Subcontractors (if relevant)

5. Technical and professional capacity

According to section 5 of this document.