

[Procurement Specifications (BUT)]

or [Tender Documents]

<Tender No. and title>

<Section>

<Stage>

<Month and year>

This page shall be removed before invitation to tender

GENERAL GUIDANCE

To make it easier and faster for you to formulate the tender conditions, the Danish Road Directorate has prepared tender paradigms which *shall* be used when we put out to tender contracts for consultants and contractors. This entire page serves as an assistance and shall of course be *removed*, so it does not appear in the final document.

It is crucial that we are very accurate when describing our orders, so that it is clear and unambiguous what we want delivered. By composing the tender documents in a uniform and recognisable structure, we make the entire tender process easier for both you as an employee of the Road Directorate and our suppliers!

The paradigms are adapted on an ongoing basis to reflect new acts, orders and standards as well as the experience the Danish Road Directorate acquires, our demands for rationalisation and much more.

YOU SHALL THEREFORE ALWAYS USE PARADIGMS WHEN YOU PREPARE TENDERS!

Hence, you shall **NOT** use a former tender and "simply" adjust it. It may have become obsolete in the meantime! To make the drafting process as easy as possible for you, the guidance is part of the appearance of the actual text. The different colours, markings and brackets mean:

- Red text is a guide for you! It may be deleted when you are ready. The red text SHALL be deleted on completion of the document.
- Black text on a white background is standard text which shall NOT be changed or deleted.
- Black text with blue highlighting is text, which need to be TARGETED to the specific task:
 - [Square brackets] mean that you only have to consider whether to include the text or not. THE WORDING MUST NOT BE CHANGED.
 - <Pointed brackets> mean that you SHALL write a contract-specific text here – e.g. a period of time
 - Blue highlighting shall EITHER be used unchanged OR be adapted to suit the specific task OR be removed.
- If you need to add text other than the standard text or text highlighted in blue, then you SHALL highlight **added text with yellow highlighting** in the draft tender documents.

To make the work as easy as possible for you and ensure a final document without errors, and which accurately describes our wishes, you should proceed in this order:

1. Please read this guidance every time. Even if you believe that you remember what it says! Consider printing it.
2. Activate the review function in Word so as to hide any changes, leaving only the final document visible. The changes can always be retrieved, if you need it.
3. Edit text with blue highlighting and [square] or <pointed> brackets.
4. Add text if required. **Highlight it in yellow.**
5. Delete red text when you are sure that you have understood the guide. You can make the text visible again as long as you have not "accepted" the changes in Word.
6. Read the document carefully. Does it all make sense?
7. Do not proceed to item 8 UNTIL you and the document owner are sure that everything is correct and can be understood unambiguously by the supplier.
8. "Accept all changes" and remove the blue and yellow highlighting for good. Disable the track changes function.

The red table at the bottom of the page is used for document management, which takes place in several steps:

- In connection with the approval of a specialist-specific paradigm (e.g. drainage) the form shall be completed by the document officer, i.e. the network owner or departmental manager.
- The form shall be deleted when a project-specific design specification has been prepared.
- *If you find any errors in the paradigm or if you have proposals for improvements, please contact the unit or network responsible for the paradigm. Changes shall be approved pursuant to "The procedure for Maintenance of tender paradigms."*

Approved	Unit/network	Technical subject	Scheduled revision	Document No.	Access
BT, 22 May 2018	Procurement	Procurement and Contracting	2018	13/23299-1	[] Internal [x] External

Date	Change	Background
May 2018	Some minor alterations have been carried out of the guidance notes as well as some corrections of proof.	
	3.1: Reference inserted to VRG's guidance and BUT-P for the use of competitive procedure with negotiations.	Guidance and paradigms are published at vejregler.lovportaler.dk.
	3.1 and 5.3: Incorporated that requests and tenders shall be submitted electronically.	Requirements as of 1 July 2018 at EU procurements, cf. BEK No. 1572 of 30/11/2016.
	3.4 and 6: Text inserted regarding the General Data Protection Regulation.	General Data Protection Regulation will come into force 25 May 2018.
	3.6.4: Sections inserted regarding demands and minimum requirements.	The provision shall ensure that the wording in the Tender Documents will not unintentionally be interpreted as minimum requirements for procurement in a legal sense.
	6: Proposals inserted for general requirements for CVs.	More uniform procurements have been requested.
July 2017	Generally, Procurement and Contracting (UDB-LEV) has been changed to Procurement (IND), and some minor alterations have been carried out of the guidance notes as well as some corrections of proof.	
	3.1: Reference inserted to VRG's BUT-P for the use of competitive procedure with negotiations.	Paradigm is being prepared in VRG.
	3.4, 3.5 and 6: Minimum requirements (for suitability) has been changed to minimum requirements.	The wording of Danish Public Procurement Act as well as conformity with VRG.
	4: Divided into 4.1 and 4.2.	Conformity with VRG.
September 2016	Some minor alterations have been carried out of the guidance notes as well as some corrections of proof.	
	Front page altered so as to make editing in Word possible.	Simplification of the work flow when using the paradigm.
	2: In the Explanation for the division into Subcontracts, a wording has been added for the use of procurement for framework agreements.	Need for elaboration.
	3.1: Wording added for the use of procurement with/without transboundary interest respectively, see the Danish Public Procurement Act, sections IV and V.	Need for elaboration.
	6: Danish Public Procurement Act, section 159(5), is now made applicable for all tenders.	Decision in UDB-LEV.
	6: A "request" has been added for the tenderers to enclose a Service Certificate on the forwarding of the tender, and attention has been drawn for them to actively ask for documentation for the Danish Public Procurement Act, sections 135(1) and (2).	Decision in UDB-LEV.
April 2016	3.3: Adjusted, as ESPD is included in the tender documents both at public tender and at pre-qualification.	Clarification/ conformity with VRG.
	3.5: Minor clarifications in the titles of sections and texts.	Clarification/ conformity with VRG.

Date	Change	Background
	3.6.2 and 3.6.3: Awarding model changed to price model.	Management decision.
	6: Clarification of the text.	Clarification.
December 2015	2: An account of the division of the contract has been added.	Danish Public Procurement Act.
	3.1: The procurement methods adjusted to the Danish Public Procurement Act.	Danish Public Procurement Act.
	3.3: "European Single Procurement Document" (ESPD) added to the tender documents.	Danish Public Procurement Act.
	3.4: Award criteria adjusted to the Danish Public Procurement Act.	Danish Public Procurement Act.
	3.5.1: Reasons for exclusions adjusted there now being a separate wording for EU procurements subject to the Danish Public Procurement Act and non-EU procurements.	Danish Public Procurement Act.
	3.5.2: Reference to section number in the Contract notices has been altered.	Paradigm for Contract notices altered.
	3.6: Award criteria adjusted to the Danish Public Procurement Act.	Danish Public Procurement Act.
	5.1: Reference to section number in the Contract notices has been altered.	Paradigm for Contract notices altered.
	6: Several alterations, including requirements for tender appendices with regard to the Danish Public Procurement Act.	Danish Public Procurement Act.
	Generally, "tender coordinator" has been changed to "Procurement and Supplier Management (UDB-LEV)".	More unambiguous designation.
4 November 2015	Some minor alterations have been carried out of the guidance notes as well as some corrections of proof.	
	In the header of the table of contents a field has been added into which the document No. may be provided.	The need to be able to track the document.
	2. The description has been abridged as the task shall be described in the contractual basis which does not include BUT.	Clarification of the contractual basis.
	2. Guiding text has been added for procurement comprising several partial agreements.	Need for guiding text.
	2 + 2.1. Guiding text added as has suggestion for a text on procurement of framework agreements.	Need for guiding text
	3.1 Private tender deleted.	Private tender does not occur according to Section 2 of the Danish Public Procurement Act.
	3.1 Contract notices deleted, as they are indicated in 3.3.	Avoid recurrences.
	3.2 Standard text added for the use of procurement of framework agreements.	Need for standard text.
	3.3 Added Letter of Invitation, Bill of Quantities and Contract Notices.	Clarification of the tender material.
	3.4	Need for clarification.

Date	Change	Background
	Added to the Two Envelope System: It shall be stressed that an individual dialogue with tenderers about the evaluation is not allowed until after the contract has been awarded.	
	3.4 Added One Envelope System at ØMF as an option.	Need for standard text for the One Envelope System and ØMF.
	3.5.1 The wording regarding the service certificate adjusted to VRG.	Conformity with VRG.
	3.6.1 Added guiding text and suggestion for a text on joint procurement of several partial agreements.	Need for guiding text
	3.6.3 In the table with the rating system a description of the rating steps has been added; these were formerly empty.	Need for elaboration and clarification.
	3.6.3 Preliminary text added regarding the assessment of the sub-criteria.	Need for standard text.
	5.3 Text deleted regarding private tender.	Private tender does not occur according to Section 2 of the Danish Public Procurement Act.
	5.3 Text added regarding procurement in accordance with the rules for lots of the Public Procurement Directive.	Need for standard text.
	5.4 Period in which to keep tenders open for acceptance moved from Section 7 to Section 5.4.	Conformity with VRG.
	6. Appendix concerning selection has been re-worded so that it meets the paradigm for the Contract notices.	Adjustment to the paradigm for the Contract notices.
	7. Period in which to keep tenders open for acceptance moved from Section 7 to Section 5.4.	Conformity with VRG.

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PROCUREMENT SPECIFICATIONS (BUT)

1. GENERAL

Procurement Specifications (BUT) contain informative data on the project put out to tender as well as binding provisions for procurement and tenders.

BUT is in force until the entering into contract, after which the BUT ceases to apply.

2. INFORMATION

As BUT ceases to apply when a contract is concluded, all particulars in Information – that are in force according to the contract – shall appear from the contractual basis, i.e. either the consultation agreement or the design specification.

The contracting entity is the Danish Road Directorate.

The present tender comprises <a brief description of the task and any project this task may be part of>.

Shall be included in any EU procurement:

Account for the dividing into Subcontracts pursuant to Danish Public Procurement Act, section 49

EITHER

[The consultant services of the project are not divided into subcontracts from considerations of market and finances such as the costs for tenders and contract administration.]

OR

[The consultant services of the project are divided into a number of contracts from considerations of market and finances. Each contract is issued for tender separately.]

OR

[The consultant services of the project are divided into a number of contracts from considerations of market and finances. Certain contracts are issued jointly for tender, while others are issued separately.]

OR

[The consultant services of the project are divided into a number of contracts from considerations of market and finances. All contracts are issued jointly for tender.]

OR (to be used at procurement for framework agreements)

[The services of the project are not divided into Subcontracts from considerations of market and finances, including costs for tenders and contract administration.]

OR (to be used at procurement for framework agreements)

[The services of the project are divided into a number of contracts from considerations of market and finances.]

The tender is termed "Tender <Tender No.> <title>".

In case the tender is divided into several contracts, they may be listed here.

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In case the tender comprises of a framework agreement, a summary is stated as to the expected number of parallel framework agreements, the duration and possible prolongation of these.

Reference is made to <the consultation agreement or the design specification> for a more detailed account of the assignment.

Only approximate dates should be stated here, e.g. month or quarter as well as year. Precise dates should be stated in the tender documents, e.g. the consultation agreement.

The work shall be carried out between <month and year> and <month and year>.

To be included at the procurement of framework agreements when entering into several parallel framework agreements.

2.1 [The awarding of actual consultation agreements

The awarding of actual assignments within the framework agreement will be carried out with regard to the awarding procedure as outlined in the framework agreement, section 2.]

3. PROCUREMENT

EITHER (please note there are 2 versions of section 3.1) Only the relevant parts are to be included.)

[

3.1 Type of procedure

In case the task is less than the threshold amount for EU procurement, UDB-LEV will assist in the assessment of whether the task is of cross-border interest or shall be put out to EU procurement. Guidelines are in preparation for supplies and services below the threshold amounts for EU procurement. It is optional either to use BUT or one of the paradigms that are referred to in the guidelines.

Either (tasks below DKK 500,000 without a cross-border interest)

[The task is not subject to the Danish Public Procurement Act.

The call for tenders is open only for invited tenderers.]

or (tasks for at least DKK 500,000, but below the threshold amount for EU procurement, without a cross-border interest)

[The task is subject to the Danish Public Procurement Act, section V.

The call for tenders is open only for invited tenderers.]

or (tasks below the threshold amount for EU procurement, with a cross-border interest)

[The task is subject to the Danish Public Procurement Act, section IV.

The invitation to tender is open to any interested tenderer.]

or (tasks below the threshold amount for EU procurement, with a cross-border interest)

[The task is subject to the Danish Public Procurement Act, section IV.

The call for tenders is open only for invited tenderers.]

or

[The task is to be put out to open procedure pursuant to the Danish Public Procurement Act (EU procurement).]

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or

(Only to be used as agreed with Procurement (IND). If the project as a whole is subject to the Public Procurement Directive, up to 20% of the contracts can be handled as lots for which no EU procurement is required. At the same time, each of these contracts shall be below the threshold for lots.

[The task is to be put out to tender pursuant to Danish Public Procurement Act on lots.

The invitation to tender is open to any interested tenderer.]

or

[The task is to be put out to tender pursuant to Danish Public Procurement Act on lots.

The call for tenders is open only for invited tenderers.]

Tenders shall be submitted in <Danish>.

]

OR

[

3.1 Type of procedure and pre-qualification

Text in the present section has been targeted to the tender procedure **restricted procedure**.

When using a **competitive procedure with negotiation** or a **competitive dialogue** reference is made to Procurement (IND), as the stage of negotiation or dialogue will have to be described in BUT. At vejregler.lovportaler.dk, Guidance on Competitive Procedure with Negotiations has been published as well as Appendix to Procurement Specifications (BUT) for the purpose of competitive procedure with negotiations. This appendix contains sections of text to be inserted or interchanged in the present Procurement Specifications (BUT). See links:

<http://vejregler.lovportaler.dk/ShowDoc.aspx?q=till%c3%a6g+til+but&docId=vd20180001-full>

<http://vejregler.lovportaler.dk/ShowDoc.aspx?q=till%c3%a6g+til+but&docId=vd20180037-full>

The task is to be put out to restricted procedure pursuant to the Danish Public Procurement Act (EU procurement).

The deadline for the request for pre-qualification appear from the contract notices, section IV.2.2, as may be seen on www.vejdirektoratet.dk/udbud > Ongoing tenders, when published in the supplement to the Official Journal of the European Union.

Application for pre-qualification shall be submitted electronically via the system iBinder using the link in the Tender Notices, section I.3.

Following the pre-qualification, an invitation to submit a tender is forwarded to the pre-qualified companies.

Tenders shall be submitted in <Danish>.

]

3.2 Type of Contract

If the tender comprises of a specific task, please state:

[The task shall be put out to tender in Total-consulting services.]

or

[The task is put out to tender in Split-consulting services.]

If the tender comprises of a framework agreement, please state:

[The type of contract will appear from the specific tasks.]

3.3 Tender Documents

The Tender Documents comprise:

Usually, a Letter of Invitation is only used in case of restricted procedures without pre-qualification.

The “European Single Procurement Document (ESPD)” to be included for procurements subject to the Public Procurement Act (EU procurement).

- Letter of Invitation
- The present BUT.
- <The documents mentioned in the basis of agreement for a draft agreement on consultation, apart from item b). **or the tender documents should be listed**>
- Bill of Quantities.
- The “European Single Procurement Document” (ESPD). Guidance and xml file.
- Contract notices.

3.4 Assessment stages and Two Envelope System

(The Two Envelope System is often used when the award criterion is best price-quality ratio. When the Two Envelope System is not applied, the blue part of the heading is to be deleted.)

In connection with the type of procedure **restricted procedure** as well as the award criterion **lowest price**:

[The assessment will be in 2 stages:

- Non-compliant tenders will be rejected.
- The price will be assessed. Notification of awarding of the Contract will be forwarded to the tenderers.]

For the procedure known as **open procedure, where minimum requirements have been applied**

as well as the award criterion **lowest price**:

[The assessment will be in 2 stages:

- A selection will be undertaken where non-compliant tenders and tenders that fail to meet the minimum requirements are rejected, cf. section 3.5.
- The price will be assessed. Notification of awarding of the Contract will be forwarded to the tenderers.]

For the procedure known as **open procedure, where minimum requirements have been applied,**
the using of Two Envelope System

As well as the award criterion best price-quality ratio:

[The Danish Road Directorate will conduct this procedure by using the Two Envelope System. The tenderer shall therefore submit the tender in two parts as described in more detail in section 6.

The assessment will be carried out in 3 stages:

- Tender envelopes marked "Part 2 – other Tender Documents" are opened, and a selection process is undertaken where non-compliant tenders and tenders that fail to meet the minimum requirements are rejected, cf. section 3.5.
- On the basis of the other content in the same envelope, an assessment is made of the qualitative sub-criteria, as described in section 3.6. Notification of the outcome of this evaluation will be forwarded to the tenderers. It should be emphasised that any individual dialogue with any of the tenderers is not permitted prior to the awarding of a Contract.
- Envelopes marked "Part 1 - Price" are opened, and the sub-criterion Price is assessed. Notification of awarding of the Contract will be forwarded to the tenderers.]

**Concerning the type of procedure restricted procedure,
the using of Two Envelope System**

As well as the award criterion best price-quality ratio:

[The Danish Road Directorate will conduct this procedure by using the Two Envelope System.

The tenderer shall therefore submit the tender in two parts as described in more detail in section 6.

The assessment will be carried out in 3 stages:

- Tender envelopes marked "Part 2 - other Tender Documents" are opened, and a review is conducted under which non-compliant tenders are rejected.
- On the basis of the content in the same envelope, an assessment is made of the qualitative sub-criteria, as described in section 3.6. Notification of the outcome of this evaluation will be forwarded to the tenderers. It should be emphasised that any individual dialogue with any of the tenderers is not permitted prior to the awarding of a Contract.
- Envelopes marked "Part 1 - Price" are opened, and the sub-criterion Price is assessed. Notification of awarding of the Contract will be forwarded to the tenderers.]

**For the procedure known as open procedure, where minimum requirements have been applied,
the using of One Envelope System**

As well as the award criterion best price-quality ratio:

[The assessment will be in 2 stages:

- A selection will be undertaken where non-compliant tenders and tenders that fail to meet the minimum requirements are rejected, cf. section 3.5.
- An assessment is made of the sub-criteria, as described in section 3.6. Notification of awarding of the Contract will be forwarded to the tenderers.]

Concerning the type of procedure **restricted procedure,**
the using of One Envelope System

As well as the award criterion **best price-quality ratio:**

[The assessment will be in 2 stages:

- Non-compliant tenders will be rejected.
- An assessment is made of the sub-criteria, as described in section 3.6. Notification of awarding of the Contract will be forwarded to the tenderers.]

For the purpose of the General Data Protection Regulation we are obliged to indicate if consultants are participating in the evaluation of tenders. This phrase should be included:

<Names of consultant(s)> assisting as consultants in the evaluation of Tenders.

3.5 Criteria for participation

3.5.1 Documentation regarding exclusion/service certificate

In case of tenders which are not subject to the Danish Public Procurement Act, and of tenders subject to the regulations on lots laid down in the Danish Public Procurement Act, it shall be stated:

[The tenderer, with whom the Employer intends to enter into a Contract, shall – on request – submit a Service Certificate from the Danish Business Authority or similar documentation, cf. section 135(1) as well as section 137(1) para 2 of the Danish Public Procurement Act. The documentation, being no older than 6 months, shall meet the requirements in section 153.]

Please state, in case of EU procurement subject to the Danish Public Procurement Act:

[The tenderer, with whom the Danish Road Directorate intends to conclude a contract, shall – prior to the conclusion of the Contract – present a Service Certificate from the Danish Business Authority or similar documentation, cf. section 135(1-3) as well as section 137(1) para 2, of the Danish Public Procurement Act. The documentation shall meet the requirements in section 153.

Likewise, the above documentation shall be submitted for entities (Sub-suppliers/Sub-contractors) forming the basis of the economic and financial capabilities or the technical and professional capabilities of the Tenderer for the purpose of meeting the minimum requirements and/or the pre-qualification.]

3.5.2 [Minimum requirements for suitability]

This section shall only be included in connection with open procedures.

In connection with procedures under the Danish Public Procurement Act, it shall be stated:

[The minimum requirements for suitability appear from the Danish Public Procurement Act item III.1]

For other tenders minimum requirements should be stated here. (Amount to be fixed by Procurement (IND) in that it should be maximum twice the estimated value of the Contract, cf. the Danish Public Procurement Act, section 142(2):

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[Requirements for the Tenderer's financial capacity:
The net revenue for most recent financial year shall be at least MDKK <amount>.

Requirements for the Tenderer's technical capacity:
The tenderer shall have experience in performing contracts comprising <.....>.]

3.6 Awarding

3.6.1 General

Either

[Criterion for awarding is the price.]

Or (a description of how the costs are evaluated should be incorporated as agreed with Procurement(IND))

[Criterion for awarding is the costs.]

Or

[Criterion for awarding is the best price-quality ratio.]

Or (if the tender consists of several lots that are being evaluated and awarded together – the wording shall be discussed with Procurement (IND))

Criterion for awarding is <price/best price-quality ratio> for the total tender of lot <No. and title> and <No. and title>, in that the composition of tender to be selected shall be the one with <the lowest price/ the best price-quality ratio>.

If the tender consists of several lots that are evaluated separately it should be stated:

[A separate evaluation of every lot should be carried through observing that no discount may be offered at the transfer of several lots.]

3.6.2 [Sub-criteria

(This section is only included when the award criterion best price-quality ratio applies)

The following sub-criteria are taken into account for the awarding:

Sub-criterion
A – Price
B – Project organisation and qualifications
C – Description of the solution of the task

The sub-criteria stated serve as examples, and it is generally recommended to apply only 2-3 sub-criteria, including price.

Sub-criteria and the pricing of them in section 3.6.3 are to be prepared in cooperation with Procurement (IND), before the tender documents are completed.

3.6.3 Awarding model

(This section is only included when the award criterion best price-quality ratio applies)

The awarding model is of the type pricing model, and this implies that for each tender a total evaluation price is calculated which should be the tender price adjusted with a fictitious addition or deduction for each of the qualitative sub-criteria.

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These additions/ deductions are determined from the quality of the Tender in such a way that at an average quality no correction of the Tender price takes place, at a quality above average a deduction is granted in the Tender price and, at a quality below average an addition is provided of the Tender price.

The total evaluation price is fictitious and is only for use for the evaluation, and thus it does not reflect the Contract price.

The Contract will be awarded to the tenderer who has obtained the lowest total price of evaluation.

The quality for each qualitative sub-criterion shall be judged from the following rating system:

The assessment will be made in collaboration with Procurement (IND), cf. 3.6.2. TIPS: Mark the form, including before and after the form, when turquoise background needs to be removed.

Rating	Description	Fictional addition to the tender price or deduction of the tender price (DKK, excluding VAT)	
		Sub-criterion B	Sub-criterion C
10	Awarded for the excellent tender that in the best possible way observes the sub-criterion with no or few insignificant exceptions	÷ 5 x X00,000	÷ 5 x Y00,000
9	Awarded for a tender which observes the sub-criterion in a significantly satisfactory way	÷ 4 x X00,000	÷ 4 x Y00,000
8	Awarded for a tender which observes the sub-criterion in a very satisfactory way	÷ 3 x X00,000	÷ 3 x Y00,000
7	Awarded for a tender which observes the sub-criterion well	÷ 2 x X00,000	÷ 2 x Y00,000
6	Awarded for a tender which observes the sub-criterion a little above average	÷ X00,000	÷ Y00,000
5	Awarded for a tender which observes the sub-criterion in an average satisfactory manner	0	0
4	Awarded for a tender which observes the sub-criterion a little below average	+ X00,000	+ Y00,000
3	Awarded for a tender which observes the sub-criterion in a less satisfactory manner	+ 2 x X00,000	+ 2 x Y00,000
2	Awarded for a tender which observes the sub-criterion in an unsatisfactory way	+ 3 x X00,000	+ 3 x Y00,000
1	Awarded for a tender which observes the sub-criterion in a very unsatisfactory way	+ 4 x X00,000	+ 4 x Y00,000
0	Awarded for a tender which is only just compliant (the sub-criterion is only just observed)	+ 5 x X00,000	+ 5 x Y00,000

]

Here, a description shall be added of the elements emphasised in assessing each of the sub-criteria B – X. To be discussed with Procurement (IND).

Sub-criterion <B.....>

When assessing the sub-criterion, significance is being ascribed to the following conditions:

-
-

Sub-criterion <C.....>

When assessing the sub-criterion, significance is being ascribed to the following conditions:

-
-

3.6.4 Requirements and minimum requirements

In case the Tender Documents contain phrases such as "... shall, as a minimum, contain...", "...there is a minimum requirement of ..." and similar, this should not be understood as minimum requirements in the sense of the Danish Public Procurement Act.

Deviations from requirements are to be handled as reservations in pursuance of section 5.2.

3.7 Information on taxes, environmental protection, health and safety at work, etc.

The Tenderer may obtain any contract-relevant information about national obligations relating to the above via the following links:

Taxes and duties	Environmental protection	Protection in the workplace and other working conditions
www.skat.dk	http://mst.dk	http://at.dk

4. QUESTIONS ABOUT THE TENDER DOCUMENTS

4.1 Queries via email

If something in the Tender Documents gives rise to clarifying questions, the Tenderer may forward such questions to the Danish Road Directorate no later than 10 calendar days before expiry of the time limit of the Tender.

Queries received after the time above will only be answered, if it is possible to answer them before 6 calendar days at the latest prior to the expiry of the time limit for tendering.

All inquiries shall be made in writing by email to udbud@vd.dk with a copy to [<email address to be stated>](#).

(only email addresses of employees at the Danish Road Directorate may be stated)

The Danish Road Directorate will arrange for the questions and corresponding answers to be published 6 calendar days, at the latest, prior to the expiry of the time limit for Tender. The answers will not reveal who asked the questions concerned.

The Danish Road Directorate reserves the right to publish amendment sheets/supplementary notifications – at www.vejdirektoratet.dk > Supplier's Portal > Ongoing tenders – that replace or supplement parts of the Tender Documents, up to 6 calen-

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dar days before the expiry of the time limit of the Tender. Amendment sheets/supplementary notifications are published on the Danish Road Directorate's own initiative or as a result of clarifying questions raised by the Tenderers.

The tender number shall be included at the beginning of subject field of the email: "<Tender No.> Questions concerning <.....>"

4.2 Briefing session

Any need for briefing sessions to be considered in view of the character of the task.

A briefing session will be held <specify time>, <specify place>. At the meeting, the Danish Road Directorate will provide information about the task, and questions may be asked about the Tender Documents. To the extent possible, questions should be asked by email before the session, and questions asked during the session should subsequently be forwarded by email.

The Tenderers are kindly asked to sign up for the briefing session with the number of participants <specify date> via email to, <specify email addresses>.

5. TENDER

5.1 Alternative Tenders

Either (for tenders not pursuant to the Danish Public Procurement Act)

[Alternative Tenders are not accepted.]

Or (for tenders not pursuant to the Danish Public Procurement Act)

[Alternative Tenders are accepted.]

Or (for tenders pursuant to the Danish Public Procurement Act)

[Information about Alternative Tenders appears from the Contract notices, point II.2.10.]

In case Alternative Tenders are received, the minimum requirements to be observed by Alternative Tenders shall be described here (possibly with reference to other Tender Documents).

5.2 Reservations

Attention is drawn to the fact that the Danish Road Directorate will be under an obligation to reject Tenders that contain reservations in respect of central elements of the Tender Documents, and that the Danish Road Directorate will be entitled to reject Tenders that contain reservations in respect of non-central elements of the Tender Documents.

Reservations in relation to non-central elements of the tender documents will be capitalised wherever possible, using a conservative method of capitalisation. If the reservations cannot be capitalised, the Tender will be rejected.

Tenderers are therefore encouraged to settle any ambiguities and uncertainties in the Tender Documents by asking questions during the tendering stage so as to avoid reservations to the greatest possible extent.

5.3 Submission and opening of the Tender

EITHER - At open procedures (EU procurement), please indicate:

[Tenders shall be submitted electronically via the system iBinder using the link in the tender notices, section I.3.]

OR - At other procurements, which are open to all tenderers interested, please indicate:

Tenders are to be submitted electronically via the system iBinder via <insert link to the actual tender in iBinder>.]

OR - At other types of procedures, where tenderers are to be pre-qualified or selected beforehand, please indicate:

[Tenders are to be submitted electronically. Tenderers invited will receive an invitation by email with a link for the submission of Tenders via the system iBinder.]

At a Two Envelope System, the following is to be included:

[A Tender is to be submitted in 2 parts, "Part 1 - Price" and "Part 2 – Other Tender Documents", respectively. At the above link, another link will be found for the purpose of this division.]

"Guidance for Tenderers" regarding the use of the tendering system, iBinder, is found at: <https://www2.ibinder.com/pub/DK/pdfmanual.aspx>

In case of the occurrence of technical problems with the uploading of tenders, the iBinder support may be contacted on +45 89 88 78 30.

Please note that iBinder is not used for the publication of the Tender Documents. Reference is made to the website of the Danish Road Directorate, www.vejdirektoratet.dk/udbud.

In iBinder you will find a field for the information of the Tender Price, which it is not required to enter. In case the Tenderer does inform the Tender Price anyway in iBinder, and if there are discrepancies between the Tender Price indicated and the Tender Price which appears from the uploaded bill of quantity, the Tender Price in the bill of quantity has binding effect for the Tenderer.

All annexes shall be labelled with the name of the Tenderer.

The Tenderer will receive a receipt by email from iBinder when the Tender has been submitted.

Tenders shall be received, at the very latest, at the time stated at www.vejdirektoratet.dk > Supplier's Portal > Ongoing tenders.

Tenders received after this time will be rejected.

If the Two Envelope System is not applied, the following is to be included:

[Tenders will be opened without the presence of Tenderers.]

If the Two Envelope System is applied the following is to be stated:

[The time of opening of "Part 1 – Price" is to be determined following the first two stages of assessment.]

The opening of “Part 1 – Price” will be done without the presence of Tenderers.]

In case of tenders not to be put out to EU procurement, it may be stated (all of the above text in 5.3 – including white text – is to be deleted):

[Electronic tenders may be received on the email address <.....@vd.dk>. The Danish Road Directorate ensures that particulars are not revealed to any third party or unauthorised persons before the time limit of the submission.

Tenders shall be received no later than the time and date stated at Vejdirektoratet.dk > Supplier’s Portal > Ongoing tenders.

Tenders received after this time will be rejected.]

5.4 Keeping Tenders open for acceptance

In case the time limit for acceptance is indicated in the contract notices, please state:

[The Tenderer shall confirm his or her Tender as stated in the Contract notices, section IV.2.6.]

For other tenders, please state:

[The Tenderer shall confirm his or her Tender for a minimum of <56> calendar days from the time limit of the Tender.]

5.5 Tender for multiple subcontracts

If multiple subcontracts (consultancy agreements) are jointly put out to tender, the text shall be phrased in consultation with Procurement (IND). Text proposal:

Subcontract <Tender No. and title> and <Tender No. and title> are jointly put out to tender, and the Tenderer may submit a Tender for one or both Subcontracts. As appears from the Bill of Quantities, the Tenderer may offer a discount in case of the awarding of both Subcontracts.

In case the Tenderer submits a Tender for both Subcontracts, but only wants to take over one Subcontract, this shall be stated on the front page of the Bill of Quantities.

6. DOCUMENTS FOR THE TENDER TO BE ENCLOSED

The following documents shall accompany the Tender.

Either (if the award criterion is lowest price).

[If individual information is missing, the tender will not necessarily be declared as non-compliant, cf. Danish Public Procurement Act, section 159(5).]

- Bill of quantities completed and signed.
- Authority documentation if several Tenderers submit a Joint Tender.

Or (if the award criterion is best price-quality ratio). Dividing into 2 envelopes is to be avoided at One Envelope System:

[In case a few pieces of information are missing, the Tender will not necessarily be declared as non-compliant, but it can result in a lower assessment of the Tender.]

Envelope marked "Part 1 – Price" (Sub-criterion A):

- Bill of quantities completed and signed.

Envelope marked "Part 2 - Other Tender Documents": (Conditions for participation and sub-criterion <B and ... to be listed>):

- Contact details: Company name, address, contact person and email address.
- Authority documentation if several Tenderers submit a Joint Tender.

Appendix concerning sub-criterion <B and ... to be listed>:

- Sub-criterion <.>: Enclosed < > The description should be limited to <xx> pages, excluding annexes.
- Sub-criterion <.>: Enclosed < > The description should be limited to <xx> pages, excluding annexes.

If tender is to be enclosed to the CVs, it is recommended to include the following text, adjusted as needed:

Appendix concerning sub-criterion <.....>:

- For each category of employee, which the Consultant may offer, minimum 1 CV is to be enclosed and maximum <10> CVs in total. Categories of employees are defined in the framework agreement, section 3.
- The scope of the CVs is requested not to exceed <3> pages for each CV. For any CV exceeding this number of pages, only the first <3> pages will be included in the assessment.
- The category of employee shall appear from the CV.
- The CVs shall contain a description of relevant tasks which the employee has accomplished, with details of the name of the task, customer, period, role of the employee, scope of the task and, contents. Relevant types of tasks appear from the Procurement Specifications (BUT), section 3.6.3, in which the sub-criterion <...> is described.
- Managers' CVs may only be enclosed if they are actually available when performing the tasks.
- In case a CV is forwarded regarding an employee not employed on a permanent basis by the Tenderer, an Availability Statement shall be enclosed from the employer of the employee or from the employee concerned, if the employee does not have an employer.

If CVs are attached to the tenders, the following phrases are included pursuant to General Data Protection Regulation:

- [
- The Tenderer is urged to ensure that CVs do not contain any sensitive personal data, including data concerning trade union membership and health, cf. General Data Protection Regulation, article 9(1).
 - When submitting the Tender, the CVs shall be submitted in their entirety in one individual file separated from the remaining Tender Documents, in order to facilitate the possibility for the Danish Road Directorate to delete personal data without deleting the entire Tender, cf. General Data Protection Regulation, article 5(1e) and article 17.
-]

Procurement Specifications (BUT) <Tender No.>

For open procedures (pursuant both to the Danish Tender Act and the Danish Public Procurement Act), the following information should be required:

Appendices regarding conditions for participation:

- Information about the revenue of the company for the past 3 financial years. (Auditor's Report or copy of annual accounts).
 - For companies being established less than 3 years, information is submitted for as long a period as possible.
 - If the Tenderer is an association of companies, particulars shall be provided for each company, in that the total sum of the net turnover of the companies shall meet the minimum requirement.
 - If the Tenderer is dependent on the capabilities of others (e.g. Subcontractors or other entities of the group), the Tenderer shall prove that the Tenderer disposes of the resources necessary from these other entities. This shall be done by the producing of commitment from these entities by way of a statement of joint liability.
- List of references with < types of tasks to be described> within the past 3 years. The list of references should include information about project name, type of Contract, contracting entity, Contract price, time of performance as well as a description of the project.
 - If the Tenderer is an association of companies, a list of reference shall be provided for each company, in that the total references of the companies shall meet the minimum requirement.
 - If the Tenderer is dependent on the capabilities of others (e.g. Subcontractors or other entities of the group), the Tenderer shall prove that the Tenderer disposes of the resources necessary from these other entities.

For Open Procedures pursuant to the Danish Public Procurement Act (EU procurement), the following information should be required:

- Completed "European Single Procurement Document" (ESPD). An xml file has been attached to the Tender Documents. If several Tenderers submit a Joint Tender, a separate document shall be completed for each company. If the Tenderer is dependent on the capabilities of others (e.g. Subcontractors or other entities in the group), a separate document shall be attached for each entity.

Every Tender shall – subject to the Danish Public Procurement Act (EU procurement) – have attached:

- Service certificate, no more than 6 months old. The Tenderers are urged to enclose a Service Certificate, as the Contracting Entity is not allowed to award the Contract before the Service Certificate has been received from the winner, cf. the Danish Public Procurement Act, section 151(1). Attention is drawn to the fact that upon ordering the Service Certificate, one shall actively ask for documentation for the conditions in the Danish Public Procurement Act, sections 135(1) and (2).