



Guide to Qualification scheme for turnkey contracts

Contents

1	General Information	2
1.1	Definitions	2
1.2	Intro	2
1.3	Meaning of admission	2
1.4	The applicant's competencies	2
1.4.1	The possibility of multiple admissions for different purposes	3
1.5	Admission with specialisation within certain professional disciplines	4
1.5.1	Other types of work may also be involved	5
1.6	Work and CPV Codes	5
1.7	Requirements in the contract	9
2	Conditions for admission and remaining in the qualification scheme	9
2.1	Admission	9
2.2	Retention of and possible readmission to the qualification scheme;	9
3	Application for admission to the "Qualification scheme for turnkey contracts"	10
3.1	Language	10
3.1.1	Procurement by tender and contract languages	10
3.2	Application content	10
3.3	Delivery	13
4	ESPD	14
4.1	ESPD in .xml-fil	14
4.2	Information in ESPD	14
5	Eligibility assessment and admission	15
5.1	Exclusion grounds	15
5.2	Minimum requirements for economic and financial standing	15
5.3	Minimum technical and professional capacity requirements	16
5.4	Point scale	19
6	Invitation to submit a tender	19
6.1	Selection of turnkey contractors invited to submit tenders	20
6.2	Tackling possible conflicts of interest and risk of tender coordination	22
6.3	Banedanmark's right to choose up to three or five turnkey contractors	23
6.4	Examples of application of the rules in sections 6.1 and 6.2	23
7	Consortia, etc	26
8	Reliance on the economic capacity of other entities	26
9	Reliance of the technical and professional capacities of other entities	27
10	Form A	28



Guide to Qualification scheme for turnkey contracts

1 General Information

1.1 Definitions

Applicants are defined as:

- A company or consortium or association of companies seeking admission to this qualification scheme.

The Turnkey Contractor is defined as:

- A company or consortium or association of companies that *has qualified* for this qualification scheme.

Kroner is defined as Danish kroner.

1.2 Intro

The purpose of the qualification scheme is to establish a list of qualified companies who can carry out building, construction and renewal tasks for Banedanmark when offered in turnkey contracts.

Such work includes working on Banedanmark's premises and other areas where the Banedanmark works. Such will usually concern Banedanmark's infrastructure, but can also be joint projects, see sections 1.6, *Work and CPV codes*.

The qualification scheme is limited in time and will run until Banedanmark chooses to halt the process.

Banedanmark is not obliged to use the qualification scheme and reserves the right to offer turnkey building, construction and renewal contracts separately.

1.3 Meaning of admission

Admission in the qualification scheme does not mean that a turnkey contractor is guaranteed work for Banedanmark. Those turnkey contractors invited to tender for a specific task will be selected from the qualification scheme on the basis of specific assessment referred to in paragraph 1. Details in section 6, *Invitation to submit tenders*.

Please also refer to the Part II. 2.4) of the notice of procurement, Description of the procurement by tender, item 6) Meaning of admission; and Part III. 1.9) Access to the scheme, item 7) Invitation to submit tenders; Section 6 of this guide, *Invitation to submit tenders*.

1.4 The applicant's competencies

Ref. Part II. 2.4 of the notice of procurement, Description of the procurement by tender, item 1) The applicant's competencies, a requirement for admission in the qualification scheme is that the applicant possesses a number of competencies. Firstly, the applicant must possess competencies in the execution of turnkey contracts, and secondly within each of the specialist professional disciplines for which the applicant seeks admission to the scheme, ref. Part II. 2.4) of the notice of procurement, Description of the procurement by tender, item 2) and the paragraph below 1.5, *Admission with speciality within certain professional disciplines*.



Guide to Qualification scheme for turnkey contracts

In addition, Banedanmark requires that the applicant has consultation competencies, including in the design of railways, as detailed in section 1.6, *Work and CPV codes*. It is irrelevant how consultancy is provided, i.e. there are no requirements imposed on the applicant's organisation. The consultancy competence may thus lie with the applicant itself or with another external entity to which the applicant either forms a consortium or on which the applicant relies on its professional capacities. See details below ref. section 1.4.1, *Possibility of multiple admission in different constellations*. An application for admission, ref. section 3.2, *Application content*, shall describe competencies consultants that can be provided.

Applicant ESPDs shall therefore include information on:

- Turnkey contract references,
- References within each of the professional disciplines for which admission to the scheme is sought, and
- Consultant references.

See details on references in section 3.2, *Application content*.

1.4.1 The possibility of multiple admissions for different purposes

An applicant can be admitted to the scheme more than one for different purposes. An applicant can therefore apply for admission to the scheme only if it has the necessary competences referred to, ref. section 1.4, *The applicant's competencies*, and cannot apply for admission in various consortia and/or associations with other contractors or consultancy firms. Finally, an applicant can apply for admission as an independent applicant reliant for its economic and/or professional capacity on various supportive entities, ref. article 79 of 2014/25/EU.

The same applicant can be admitted in the following constellations at the same time:

- Alone; and/or
- In one or more consortia/associations, for example with several different consultancy firms; and/or
- As an independent operator, but with one or more supportive entities in relation to economic and/or technical capacity, for example in the form of a consultancy firm and/or parent company, etc.

Each request for admission requires a separate application. Admission can be applied for only once for each unique constellation.

Example 1:

An applicant seeks admission as:

- *Consortium together with Consultant A, and*
- *As an independent entity with consultant B as supportive entity;*
- *As an independent entity with consultant C as supportive entity;*
- *As an independent entity with consultant D as supportive entity;*

- application required four times.



Guide to Qualification scheme for turnkey contracts

Example 2:

1. Turnkey contractor X can achieve admission as an independent entity three times, with consultants A, B and C
 - In the context of the individual admission, the consultants are classed as a single capacity on which turnkey contractor X bases its technical and professional capabilities, ref. 2014/25/EU, article 79
2. Turnkey contractor Y can achieve admission as an independent entity four times, with consultants A, B, C and D
 - In the context of the individual admission, the consultants are classed as a single capacity on which turnkey contractor Y bases its technical and professional capabilities, ref. 2014/25/EU, article 79

Turnkey contractors X and Y are both admitted with consultants A, B and C as partners for tendering.

How multiple applications of these types are handled in selection for receiving an invitation to tender is described in section 6 *Invitation to tender*.

1.5 Admission with specialisation within certain professional disciplines

The applicant will be admitted to the qualification scheme within one or more professional disciplines for which it has proven qualifications/specialities, providing the minimum requirements stipulated in section 5 *Eligibility assessment and admission* are met.

Applicants must state in their application which of the following professional disciplines they wish to include as specialisation, along with a declaration on related competencies and experience:

- Complete railways including: track, groundworks, bridges, interlocking, high voltage and conductors;
- Complete railways including: track, groundworks, bridges, interlocking, high voltage;
- Track rebuilding;
- Track building;
- Ground- and concrete work in connection with track projects, including dams, drainage and/or pipeline work, and work in relation to contaminated soils and management of related environmental requirements;
- Constructions related to track projects, including bridges, tunnels, stations and/or platforms;
- Conductive power for track projects, including masts and mast foundations, etc.;
- Interlocking work;
- Clearing and demolition including handling of related environmental requirements.

Applicants check off the disciplines they are applying for admission for in “*Form A - Professional disciplines for admission*”, ref. section 10, *Form A*, application for admission for the following specialist disciplines. The admission process is described in detail in section 5, *Eligibility assessment and admission*.

The disciplines referred to also define the types of work that will be procured by tender under the qualification system.



Guide to Qualification scheme for turnkey contracts

1.5.1 Other types of work may also be involved

In some cases, Banedanmark may buy in services that do fall within the specified disciplines, but which do fall within the scope of the services it can procure under the qualification scheme and the listed CPV codes, ref. section 1.6, *Work and CPV codes*.

1.6 Work and CPV Codes

The qualification scheme is used to offer construction, construction and renewal work for Banedanmark in turnkey contract. See also Part II.2.4) of the statutory notice of procurement by tender, Description of procurement, and Part VI.3)

Additional details, item 1), on Part II.2.4) Intro.

Such work includes working on Banedanmark's premises and other areas where the Banedanmark works. The work will primarily be related to Banedanmark's infrastructure, including tracks; railway bridges and other track-related constructions; ground- and concrete work in connection with track projects; interlocking; high voltage; conductive power including masts and mast foundations, etc.; clearing and demolition including handling of related environmental requirements.

But there will also be related work, including: cycling and walking paths; shelters and bicycle sheds; bicycle parking; car parking; stairs; platform accommodation e.g. paving, benches, platform roofs, etc. as well as erection/installation of various operator components such as travel card stands, info screens, etc.; paving work; forecourt construction; access roads to technical equipment along the track etc.; crash barriers; digging up roads; roadside equipment, incl. drainage and road equipment; lighting; signalling systems (traffic lights etc.); speed-reducing measures; bus bays, etc.

The bulk of the work to be procured by Banedanmark under the qualification scheme will be covered by the professional disciplines listed in section 1.5, *Admission with specialisation within certain professional disciplines*.

As mentioned in section 1.4, *The applicant's competencies*, the work to be procured by Banedanmark will include consultancy. This will consist primarily in design according to railway standards as part of turnkey contract work, but there can be other things.

Consultancy work can therefore include: application/management of dispensations from railway standards; handling/preparation of Common Safety Methods (CSM) and other regulatory approvals at the design and execution stage; handling additional feasibility studies (soil conditions, environmental conditions, etc.); assisting with production/delivery of quality assurance and as-built materials; handling/applying for environmental permits; engineering inspection; general inspection; traffic safety audits; accessibility audits etc.



Guide to Qualification scheme for turnkey contracts

The following CPV codes are listed in the Executive Order for the current qualification scheme:

<i>Part II.1.2 of the statutory notice of procurement by tender, main CPV code</i>	
45000000.	Building and construction works (Stat. notice II.1.2) Main CPV code)
<i>Part II.2.2 of the statutory notice of procurement by tender, main CPV code</i>	
45100000	Construction site preparation
45111290	Preparatory work services
45112000	Excavation and removal of soil
45113000	Site work
45120000	Test and well boring
45210000	Construction work
45213300	Buildings in connection with transport
45213320	Building and construction works related to buildings for rail transport
45220000	Engineering works and structures
45221112	Construction work: railway bridges
45221114	Building and construction works related to iron bridges
45221122	Building and construction Works: railway viaducts
45221213	Completely or partially covered railway excavations
45221242	Building and construction works: railway tunnels
45230000	Building and construction works related to pipes, communications and high voltage lines, with main roads, roads, airfields and railways; grading work
45234000	Works in connection with the construction of railways and cable cars
45234100	Building works in connection with railways
45234110	Intercity railway works
45234113	Removing tracks
45234114	Building and construction works: railway embankments
45234115	Works in connection with signalling equipment for railways
45234116	Tracklaying work
45234130	Construction work: ballast
45234140	Construction work: level crossings
45234160	Construction work: conductive power systems
45234180	Building and construction works: railway workshops
45236000	Ground- and paving work
45260000	Roofing and other specialist work in the construction trades



Guide to Qualification scheme for turnkey contracts

45262210	Foundation works
45262211	Pile driving
45262300	Concrete works
45262310	Works in reinforced concrete
45262680	Welding
71000000	Architectural, engineering, engineering and inspection activities
71200000	Architectural activities and related activities
71240000	Architectural, engineering and planning activities
71241000	Feasibility studies, consultancy, analyses
71242000	Project and design preparation, cost estimates
71244000	Cost estimates, cost monitoring
71245000	Approval of plans, working drawings and specifications
71246000	Quantity calculation and lists for building and construction works
71247000	Construction management
71248000	Project management and documentation
71250000	Architectural, engineering and surveying activities
71300000	Engineering
71311000	Consultancy for building and construction works
71311100	Support activities for building and construction works
71311200	Consultancy services for transport systems
71311230	Railway engineering
71313400	Environmental assessments for building and construction works
71313410	Risk assessments for building and construction works
71313420	Environmental standards for building and construction works
71313430	Analysis of environmental indicators for building and construction works
71313440	Environmental assessment services for building and construction works
71313450	Environmental monitoring for building and construction works
71320000	Engineering design
71322000	Engineering discipline design
71322100	Quantity surveying for engineering work
71322300	Bridge design
71324000	Quantity surveying
71325000	Foundation design



Guide to Qualification scheme for turnkey contracts

71326000	Auxiliary activities in connection with building technology
71327000	Load-bearing structure design services
71328000	Cross-check calculations for load-bearing structure design services
71330000	Various types of engineering activities
71332000	Geotechnical engineering
71335000	Technical studies

Where a CPV, group or class is mentioned, Banedanmark reserves the right to any turnkey contract put out to tender including elements of all underlying CPV groups, classes, or categories.

The professional disciplines are covered by the additional CPV codes specified in Part II.2.2) of the statutory notice of procurement by tender and down to category/subcategory where possible.

A given tender will not usually include all the supplementary CPV codes given. One tender can include some, while another will include others etc.

The additional CPV codes indicated primarily include railway-related work, as the main objectives of each tender will be railway projects. Turnkey contracts can also cover works that will only be mentioned in the CPV, group or class.

Example 3:

A turnkey contract mainly covers the discipline of "complete railway including: track, groundworks, bridges, interlocking, high voltage and conductive power", which is mainly covered by these additional CPV codes in Part II.2.2) of the statutory notice of tender:

- 45234000 - Works in connection with the construction of railways and cable cars
- 45234113 - Removing tracks
- 45234116 - Tracklaying work
- 45234130 - Construction work: ballast
- 45234140 - Construction work: level crossings
- 45234160 - Construction work: conductive power lines

But the turnkey contract includes the following works:

- Construction of a park & ride car park (45223320 - Construction of "park-&-ride" car parks), and
- Construction of a cycle path along the track (45233162 - Construction works: cycle paths)

These two works are covered by the CPV classes referred to in Part II.2.2) of the statutory notice of tender respectively:

- 45220000 - Engineering works and structures, and
- 45230000 - Construction works for pipelines, communication and high voltage lines, with main roads, roads, airfields and railways; grading work

- and against this background, the works "Construction of a park & ride car park" and "Construction of a cycle track along the track" could also be procured by Banedanmark under the qualification scheme,



Guide to Qualification scheme for turnkey contracts

precisely because they are covered by a supplementary CPV, group or class referred to in Part II.2.2) of the statutory notice of tender.

1.7 Requirements in the contract

Individual contracts awarded under the qualification scheme will require:

- That the turnkey contractor bears full responsibility for execution of the contract, and for all services provided by subcontractors to the turnkey contractor.
- That turnkey contractor shall comply with Banedanmark's CSR requirements, including ILO Convention No. 94.
- That the turnkey contractor's employees are familiar with Danish and European standards and harmonisation documents for the disciplines relevant to the work.
- That consortium or association members are to be jointly and severally liable for tenders and the fulfilment of a contract awarded.
- That the contract can be revoked under specific conditions such as if the turnkey contractor goes into receivership or its financial situation indicates that it can be expected that it will be unable to fulfil the contract. Part of economic assessment will include the option of self-declaration for the turnkey contractor.

See also Part III.2.2) of the statutory notice of tender, Terms governing contract execution.

2 Conditions for admission and remaining in the qualification scheme

2.1 Admission

Conditions governing admission to Banedanmark's "Qualification scheme for turnkey contracts" dictate that the applicant:

- A) Meets minimum requirements for eligibility for admission as referred to in Section 5, *Eligibility assessment and admission*.

For the purposes of assessing A, applicants shall provide:

- B) ESPD in accordance with section 4, below;
 C) Completed "*Form A - Admission with specialisation within certain professional disciplines*", cf. section 10 below.

2.2 Retention of and possible readmission to the qualification scheme;

Ref. Part III.1.9) of the statutory notice of procurement by tender, Access to the scheme, item 6), Retention of and re-admission to the qualification scheme; contractors will be admitted to the qualification scheme for one year at a time and therefore need to submit a new ESPD and "*Form A - Admission with specialisation within certain professional disciplines*" (Form A) **each year**.

The period will be counted from the date turnkey contractor joins the qualification scheme.

When admission is due to be renewed year, Banedanmark will send a reminder to the contractor to submit a new ESPD and Form A before the deadline expires.



Guide to Qualification scheme for turnkey contracts

If not received by Banedanmark, or if received but does not meet the minimum requirements, Banedanmark will send the contractor notification with a deadline of 15 days to resubmit the ESPD and Form A, ref. 2014/25/EU, article 75 (6).

Failure to do so or to meet the minimum requirements will mean the contractor will be dropped from the scheme.

Turnkey contractors can reuse the information in their most recently submitted ESPD, but they must be aware that there are requirements concerning the age of such information. For example, information on annual turnover is required for the last 3 (three) available financial years as referred to in Section 5, *Eligibility assessment and admission*, and references for work must include projects within the last 5 (five) years.

A new application for admission can be submitted at any time, and new turnkey contractors can be admitted on an ongoing basis.

3 Application for admission to the "Qualification scheme for turnkey contracts"

Each for admission must be separate, ref. section 1.4.1, *Possibility of multiple admissions in different constellations*.

Applications for admission must meet the following requirements:

3.1 Language

Applications can be made in Danish, Swedish, Norwegian or English.

3.1.1 Procurement by tender and contract languages

The tender documents and contracts for each project will normally be in Danish. Tenders must normally be submitted in Danish, and the working language for execution will normally be Danish.

The language requirement may be English for the tendering process and for execution of the contract for some projects, or there may be requirements for both Danish and English.

3.2 Application content

An application for admission shall contain at least:

- 1) Completed **ESPD** in accordance with section 4 *ESPD*, which contains details of:
 - 1.1) Grounds for exclusion, ref. section 5.1;
 - 1.2) Annual turnover, ref. section 5.2 *Minimum requirements for economic and financial standing*;
 - 1.3) References, ref. items I - III in section 0) *Minimum requirements for technical and specialist abilities*, and;
 - 1.4) Quality and HSE management systems, ref. item IV and in section 0.



Guide to Qualification scheme for turnkey contracts

Items 3) – 7) below stipulate the information on references, quality and HSE management systems to be provided by applicants in an ESPD.

- 2) Completed "**Form A - Admission with specialisation within certain professional disciplines**", ref. section 10, *Form A*.

Applicants shall check at least one and preferably several professional disciplines for which they want to apply for admission to the scheme.

- 3) Information on **qualifications from/experience of turnkey contract:**

- 3.1) At least three and a maximum of five turnkey contract references carried out within the last five years. References must be given in part IV, item C of the ESPD, "*Execution of building and construction contracts of the specified type*".

3.1.1. A **turnkey contract reference** can contain text equivalent to a maximum of 2 (two) A4 pages (A4 = 2200 characters, excluding spaces).

3.1.2. In addition, a maximum of 2 (two) A4 pages of images/figures can be given per turnkey contract reference if photos/figures are necessary to describe work referred to optimally;

3.1.3. The first line of the reference should show that it is a turnkey contract reference.

- 3.2) References must state the framework of the contract in question and on the contracting entity, dates/period, any sub-tasks performed, interfaces, work status and contract value. In addition, a description of the size of the contract, the organisation and structure throughout the project. Finally, a description should be given as to how the applicant organised itself for execution of the contract (independently vs. consortium or similar).

Reference text not specified in an ESPD or that exceeds the maximum allowed will not be considered. If more than five references are submitted, only the first five references in the ESPD will be subject to evaluation.

- 4) Information on the applicant's **qualifications/experience within the disciplines** for which admission is sought:

- 4.1) At least three and a **maximum of** five discipline references performed within the past five years per professional discipline for which the applicant seeks admission. References must be given in part IV, item C of the ESPD, "*Execution of building and construction contracts of the specified type*".

4.1.1. A discipline reference can constitute text corresponding to a maximum of 2 (two) A4 pages;

4.1.2. In addition, a maximum of 2 (two) A4 pages of images/figures can be given per discipline reference if photos/figures are necessary to describe work referred to optimally;

4.1.3. The first line of the reference should specify the professional discipline referred to. ref. section 1.5, *Admission with specialisation within certain professional disciplines*;

4.1.4. One discipline reference can be used to demonstrate experience in several professional disciplines. If an applicant provides references covering several disciplines, this must be stated in the ESPD.

4.1.5. Turnkey contract references specified under item 3) can also be used as a discipline reference to the extent relevant.



Guide to Qualification scheme for turnkey contracts

- 4.2) Discipline references must state the framework for the work performed, and shall thus contain details on the contracting entity, dates/period, any sub-tasks performed, interfaces, work status and contract value. In addition, they must describe the nature of the applicant's services and how organisation for execution of the work (independently vs. consortium or similar) and the contract format (turnkey, main, trade or sub-contract).

Reference text not specified in an ESPD or that exceeds the maximum allowed will not be considered. If more than five references are submitted, only the first five references in the ESPD will be subject to evaluation.

- 5) Information on **qualifications/experience in the field of consultancy/design per discipline** for which the applicant seeks for admission.

- 5.1) At least two and no more than three **consultancy/design references** performed within the past five years per professional discipline for which the applicant seeks admission. Test descriptions for references must be given in Part IV, item C of the ESPD, "*Execution of building and construction contracts of the specified type*". If a contractor itself has the consultancy competence, references in its ESPD shall clearly indicate that they are "consultancy references".

5.1.1. An applicant's consultancy/design references can consist of text corresponding to a maximum of 2 (two) A4 pages;

5.1.2. In addition, a maximum of 2 (two) A4 pages of images/figures can be given per consultancy/design reference if photos/figures are necessary to describe work referred to optimally;

5.1.3. The first line of the reference should specify the consultancy/design referred to. ref. section 1.5, *Admission with specialisation within certain professional disciplines*;

5.1.4. One consultancy/design reference can be used to demonstrate experience in the design of several professional disciplines. If an applicant provides references covering several disciplines, this must be stated in the ESPD.

5.1.5. Turnkey contract and/or discipline references specified under items 3) and 4) can also be used as a consultancy/design reference to the extent relevant.

- 5.2) Consultancy/design references shall specify the framework of the work and shall include information about the contracting entity, dates/period of execution, any work on sub-tasks, interfaces and a description of the consultancy services provided, including experience in design according to railway standards and status of the work.

Reference text not specified in an ESPD or that exceeds the maximum allowed will not be considered. If more than three references are submitted, only the first three references in the ESPD will be subject to evaluation.



Guide to Qualification scheme for turnkey contracts

Example 4:

If an application concerns 4 (four) disciplines, a total of:

- At least 3 (three) and a maximum 5 (five) turnkey contract references shall be supplied, ref. item 3);
- At least 4x3 (twelve) and maximum 4x5 (twenty) discipline references from the applicant, ref. item 4);
- At least 4x2 (eight) and a maximum of 4x3 (twelve) consultancy/design references from the applicant, ref. item 5);
- **Please also refer to section 7-9 of the guide on consortia and supportive units.**

6) Declaration on **inclusion in trade or company registers** as prescribed in the member state in which the applicant is established. Banedanmark uses this to ensure that applicants are registered correctly and check their rules on power to bind the company. This information must be given in ESPD Part IV, item A.

7) Description of the **applicant's quality and HSE management systems**.

7.1) Applicants must describe their management systems and internal audits (of compliance with quality and HSE management systems, prevention and reporting faults, accidents, provision of appropriate skills and training, etc.). The description must be given in Part IV, section C of an ESPD, "Environmental management measures".

7.1.1. The description must consist of text corresponding to a maximum of 5 (five) A4 pages;

7.1.2. In addition, a maximum of 3 (three) A4 pages with photos/figures can be submitted as an annex to item 7, if photos/figures are necessary to describe management systems optimally;

7.2) Description of quality and HSE management systems should include/provide information on:

7.2.1. System structure, including lines of reference and responsibility, content, internal audits and any external certification.

7.2.2. Measures/initiatives implemented to address and/or counter problems in the field of environmental legislation.

7.2.3. Measures/initiatives implemented to address and/or counter problems in the field of HSE.

Text not specified in an ESPD or that exceeds the maximum allowed will not be considered.

3.3 Delivery

Applications for admission to the qualification scheme with an ESPD and completed form A must be submitted by email to:

- kvalifikationsordning@bane.dk



Guide to Qualification scheme for turnkey contracts

4 ESPD

4.1 ESPD in .xml-fil

The European Single Procurement Document (ESPD) to be used in applications is available as an xml file on Banedanmark's [website](#)¹ under "*Qualification for turnkey contracts*":

- **2018-06-15_ESPD-request_KvalifikationsordningTotalentreprise.xml**

The xml file can be downloaded from the website to a PC by right-clicking on the link on the home page. It can then be opened/uploaded via the European Commission's electronic ESPD service:

- <https://ec.europa.eu/tools/espd>.

Applicants and entities on whose capacity the applicant bases its financial and/or technical capacities ref. article 79 of 2014/25/EU must select "I am an economic entity" and then "import ESPD".

For further details, please refer to the Danish Competition and Consumer Authority guide (only available in Danish):

- ["ESPD - Dokumentation og e-Certis"](#)²

4.2 Information in ESPD

Applications must be accompanied by the European Single Procurement Document (ESPD), as described below:

- a) An **independent applicant** must complete ESPD, Part II-VI;
 - Solvency ratios for the last 3 (three) available financial years must be presented in Part IV, item B: Economic and financial standing, under "*Financial highlights*";
- b) For **applicants who are participants in a consortium or group of entities**, ref. section 7, *Consortia, etc.*, a single ESPD must be submitted for each of the participating undertakings, ref. item a). Each company must therefore fill in an ESPD, Parts II-VI;
 - Part II must clearly state under "*Is the economic operator participating in the tendering procedure with others?*" whether this is the case and sub-items a) to (c) must also be completed;
- c) If an applicant bases its **economic and financial capacity** on other entities, ref. section 8 of the guide *Reliance on the economic and financial capacities of other entities*, each entity on which the application is based must complete a ESPD. The ESPD of supporting entities shall only contain:
 - Information in Part II
 - Declarations relating to exclusion grounds in Part III, and
 - Declaration on financial performance for the last three financial years available in Part IV, item B: Economic and financial standing, '*Total annual turnover*', and equity ratios to be stated in '*Financial highlights*';

¹ <https://bane.dk/Leverandoer/Indkoeb-og-udbud/Kvalifikationsordninger>

² <https://www.kfst.dk/media/46438/espd-dokumentation-og-ecertis.pdf>



Guide to Qualification scheme for turnkey contracts

- d) If an applicant bases its **technical and specialist capacity** on other entities, ref. section 9 of the guide *Using the technical and professional capacities of other entities*, each entity on which the application is based must complete a ESPD. The ESPD of supporting entities shall only contain:
- Information in Part II
 - Declarations relating to exclusion grounds in Part III, and
 - Declaration on references for the relevant professional disciplines in Part IV, point C: Technical and professional capacities, "*Execution of building and construction contracts of the specified type*".
 - Description of the quality and HSE management systems if the application is based on the technical and professional capacities of other entities in respect of these systems: insert the descriptions/statements in ESPD Part IV, item C, "*Environmental management measures*".

5 Eligibility assessment and admission

Applicants will be admitted to the qualification scheme if the following minimum requirements are met:

5.1 Exclusion grounds

To be eligible and included in the "qualification scheme for turnkey contracts," applicants and any other entities on which they base their economic and/or professional capacity, ref. 2014/25/EU, article 79, should not be covered by the exclusion grounds Act no. 1564 of 12 December 2015, "The Public Procurement Act", sections 135-137. All mandatory and voluntary grounds for exclusion listed in sections 135-137 to the Act are therefore applicable. Information on exclusion grounds is given in ESPD Part III.

Section 138 of the Public Procurement Act concerning proof of reliability is also applicable.

If an applicant is an association of undertakings (e.g. a consortium), it is a requirement that all the undertakings concerned are excluded from the exclusion grounds in sections 135-137 of the Act.

5.2 Minimum requirements for economic and financial standing

As a minimum requirement for admission to the scheme, applicants must have had a total annual turnover of a minimum of 25 (twenty-five) million kroner in each of the last three financial years available. Annual turnover must be stated in ESPD Part IV., B., ref. section 0, *ESPD*.

When an application is based on the economic and financial capacities of other entities, turnover shall be calculated as the total annual turnover of the applicant and the other entities in each of the last three financial years available.

In the case of an association of undertakings (for example, a consortium), turnover is calculated as the aggregate turnover of the undertakings involved in each of the last three financial years available.



Guide to Qualification scheme for turnkey contracts

5.3 Minimum technical and professional capacity requirements

i. Turnkey contract references

It is a minimum requirement that applicants (including when relying on the technical and professional capacity of other entities), ref. section 9, *Using the technical and professional capacities of other entities*, achieve an overall average of 3 (three) or more for competencies/experience as a turnkey contractor:

- At least three and a maximum of five turnkey contract references carried out within the last five years must be given.
- A single point is given per turnkey contract reference.
- Points are given on a scale of 1 to 5, where 5 is best, ref. the point scale in section 5.4, below.
- The average is calculated based on the three best references. Thus, if an applicant has given five (5) references, the 2 (two) references which score the lowest points will be disregarded. If an applicant has given 4 (four) references, the reference which scores the lowest points will be disregarded.
- The average is indicated by two decimal places.
- Consortia are not required to have performed the references given as a consortium as such. It is sufficient for the references to have been performed by the individual participants. The specified references can thus have been performed by the consortium and/or its participants.

Evaluation of turnkey contract references will weight the complexity of the reference, including:

- Scope of sub-tasks in the contract
- Scope of internal and external interfaces for the contract
- The financial scope of the contract
- Applicant's organisation when completing the turnkey contract
- The contract's organisation and structure throughout the project

Positive weighting will be given if applicant references demonstrate that complex and major rail - related/turnkey contracts comparable to the track-related projects expected to be procured by tender under the qualification scheme have been undertaken. For the purposes of "comparable", references must include at least one or more of the professional disciplines listed in table A.

"Complex and major" means contracts with many sub-tasks, many interfaces and which are high value in relation to the applicant's own capacity. The larger and/or more complex the reference, the better.

Weighting will also be positive if the reference demonstrates a balanced correlation between size of the contract including the number of tasks and/or the number of interfaces, and the organisation's size and structure during the different phases of the contract.

If an applicant applies for independent admission to the scheme, it will be positively weighted if contracts have been carried out independently. However, if an applicant is an association of



Guide to Qualification scheme for turnkey contracts

undertakings (for example a consortium), experience of undertaking turnkey contracts in such associations will be positively weighted.

ii. Discipline references

It is a minimum requirement that applicants (including when relying on the technical and professional capacity of other entities), ref. section 9, *Using the technical and professional capacities of other entities*, achieve an overall average of 3 (three) or more for competencies/experience within those specialist disciplines for which admission is applied for.

- At least three and a maximum of five discipline references performed within the past five years per professional discipline for which admission is applied for must be given.
- A single point is given per discipline reference.
- Points are given on a scale of 1 to 5, where 5 is best, ref. the point scale in section 5.4, below.
- The average is calculated based on the three best references. If an applicant has specified 5 (five) references, the 2 (two) references that have scored the lowest points will be disregarded. If an applicant has specified 4 (four) references, the reference that scores the lowest point will be disregarded.
- The average is indicated by two decimal places.
- Consortia are not required to have performed the references given as a consortium as such. It is sufficient for the references to have been performed by the individual participants. The specified references can thus have been performed by the consortium and/or its participants.

Evaluation of discipline references will be weighted on:

- The complexity of the reference, including:
 - The scope of the contract or sub-tasks,
 - Scope of internal and external interfaces
 - Whether the work was carried out independently or in a consortium or similar
 - Whether the work was carried out in a turnkey-, main- or subcontract;

Positive weighting will be given to an applicant that can demonstrate that it has handled complex and major tasks within the relevant professional discipline(s) via its references. For this purpose, "complex and major tasks" means large projects with many sub-tasks and/or many interfaces.

If an applicant applies for independent admission to the scheme, it will be positively weighted if contracts have been carried out independently. However, if an applicant is an association of undertakings (for example a consortium), experience of undertaking turnkey contracts in such associations will be positively weighted.

Weighting will be higher if the work was performed in turnkey contracts, followed by main contracts, specialist discipline and lastly as a subcontractor.

iii. Consultancy/design references



Guide to Qualification scheme for turnkey contracts

It is a minimum requirement that applicants score an overall average of 3 (three), or more for their competencies/experience in the field of consultancy/design within those specialist disciplines for which admission is applied for.

- It is a minimum requirement for admission to the scheme that there should be at least two and a maximum of three consultancy/design references within those specialist disciplines for which admission is applied for.
- An overall score will be given per consultancy/design reference.
- Points are given on a scale of 1 to 5, where 5 is best, ref. the point scale in section 5.4, below.
- The average is calculated based on the three best references. If an applicant has given five references, the two references that have scored the lowest points will be disregarded. If an applicant has given four references, the reference that scores the lowest point will be disregarded.
- The average is indicated by two decimal places.
- Consortia are not required to have performed the references given as a consortium as such. It is sufficient for the references to have been performed by the individual participants. The specified references can thus have been performed by the consortium and/or its participants.

Evaluation of consultancy/design references will be weighted according to:

- Whether the reference demonstrates experience in design according to railway standards – weight 60%
 - The broader experience in design and/or working with several different railway standards shown by a reference, the better the reference in terms of assessment.
- Complexity of the contract - weight 40% - including:
 - The scope of the contract or sub-tasks,
 - Scope of internal and external interfaces
 - Application for/handling dispensations from railway standards

References that demonstrate experience in dealing with complex and/or major tasks within the relevant professional discipline will be weighted positively. For this purpose, "complex and/or major tasks" means large projects with many sub-tasks and/or many interfaces.

iv. Quality and HSE management systems

It is a minimum requirement that an applicant's description of quality and HSE management systems and internal auditing scores an overall rating of 3 (three) or more:

- Points are given on a scale of 1 to 5, where 5 is best, ref. the point scale in section 5.4 below.
- An overall score for the description will be given.

The following aspects will be weighted positively when evaluation descriptions of quality and HSE management systems and internal auditing from applicants:



Guide to Qualification scheme for turnkey contracts

- That the description focuses on clear lines of reference and responsibility, plus structure in system construction.
- That the description focuses on skills development and training and initiatives/measures taken to prevent errors/"incidents".
- The description shows a systematic approach to internal auditing and/or a certified/externally audited management system;
- In the event of breaches of the law, and/or judgments passed, and/or cases raised, and/or orders and/or contractual problems, initiatives/measures designed to prevent recurrence will be evaluated as positive.

Please note that in order to be admitted to the scheme, an applicant has to meet at least the requirements for a minimum of one discipline. If an applicant meets the requirements for several disciplines, it will be admitted to the scheme for the disciplines concerned. When an applicant has applied for admission for more than one discipline and Banedanmark believes that it only meets the requirements for one discipline, the applicant will only be accepted for that discipline and not for those disciplines for which the requirements are not met.

5.4 Point scale

Scale from 1 to 5, where 5 is best for use in items I-IV in section 0, *Minimum requirements for technical and professional abilities*:

Quality	Rating
Reference/management system is excellent	5
Reference/management system is highly satisfactory	4
Reference/management system is satisfactory	3
Reference/management system is less than satisfactory	2
Reference/management system is only just satisfactory	1

6 Invitation to submit a tender

When procuring under the qualification scheme, Banedanmark will decide whether the purchase will be made as a restricted or negotiated procedure. Also ref. Part III.1.9 of the statutory notice of procurement by tender, Access to the scheme, item 7) Invitation to submit tenders.

Banedanmark will perform specific evaluation prior to each procurement conducted under the qualification scheme, when many turnkey contractors will be invited to submit a tender.

Evaluation will be carried out on the basis of factual considerations, including the award criterion applied by Banedanmark in the context of the specific procurement and market conditions.

Banedanmark will at invite at least 3 (three) turnkey contractors to submit bids for each procurement under the scheme (provided there are three suitable contractors in relation to the proposed procurement). In the following subsections, this will be designated as "at least three" turnkey contractors/tenderers.



Guide to Qualification scheme for turnkey contracts

6.1 Selection of turnkey contractors invited to submit tenders

The minimum three contractors included in the qualification scheme will be invited to submit tenders for individual contracts on the basis of a specific assessment of:

- I. Fulfilment of the following **financial** requirements, depending on the estimated value of each contract:
 - i. The estimated value of the contract is below the EU threshold value:
 - Smaller turnkey contractors (see below) will be prioritised and will constitute at least two of those invited. Two out of three places for such contracts will thus be reserved for smaller contractors, regardless of whether they are among the three best in the relevant professional disciplines, ref. selection in items II and III.
 - "Smaller turnkey contractor" means those with an annual turnover in the last three financial years available up to a maximum of DKK 50 million.
 - There are no other financial requirements.
 - ii. The estimated value of the contract is above the EU threshold value, but under DKK 200 million.
 - It is a requirement that a turnkey contractor has had:
 - An annual turnover for one of the last three financial years available equal to Banedanmark's estimated contract value, and
 - A solvency ratio in the most recently available fiscal year of at least 15%;
 - iii. The estimated value of the procurement by tender is between DKK 200 and 500 million:
 - It is a requirement that a turnkey contractor has had:
 - An annual turnover in each of the last three financial years available amounting to at least DKK 300 million;
 - A minimum equity ratio of at least 17.5%;
 - iv. The estimated value of the procurement by tender is over DKK 500 million:
 - It is a requirement that a turnkey contractor has had:
 - An annual turnover in each of the last three financial years available amounting to at least DKK 750 million;
 - A minimum equity ratio of at least 20%;

If there are more than the target number of tenderers/turnkey contractors admitted to the qualification scheme who meet the financial requirements for an invitation to tender, selection will be according to the following principles:

- II. The selection of at least three turnkey contractors invited to submit tenders will be made on the basis of which are included in the scheme for the disciplines most relevant to specific procurement.

Which disciplines a specific procurement covers will be defined along with the total percentage of the procurement each discipline represents.



Guide to Qualification scheme for turnkey contracts

If a specific procurement only applies to the target number of turnkey contractors admitted for all the disciplines covered, they will receive an invitation to tender.

If there is more than the target number admitted for all the disciplines covered by a specific procurement, selection of turnkey contractors invited to submit a tender will be carried out in accordance with the principles set out in item III., below.

If there are fewer than the target number of turnkey contractors admitted within all the disciplines covered by a specific procurement, they will an invitation to tender. Other tenderers will be found by assessing the turnkey contractors admitted within most of the disciplines covered by the specific procurement.

If the turnkey contractors thus selected have an equal number of relevant disciplines, which have the most relevant disciplines on the basis of weighting stated for the disciplines required in the specific procurement will be used.

If this fails to result in selection of the target number of turnkey contractors, selection of those invited to submit a tender will be carried out in accordance with the principles set out in item III., below.

- III.** If, after assessment in accordance with items (i) and (II), no specific number of turnkey contractors to be invited to submit tenders has been found, they will be found by selecting:
- i. The turnkey contractor(s) who have obtained the best score for discipline references in relation to the specific procurement. Scores will be calculated by multiplying each of the scores achieved by the contractors for each discipline when admitted to scheme, with the weighting that the disciplines in question have in the specific procurement. Only the disciplines covered by the specific procurement are included in calculation of the score
 - ii. If there are still contractors who are equal after assessment in item I, the contractor(s) with the best solvency ratio in the last available financial year will be selected.

The above process will result in the target number of turnkey contractors being selected for the tender.



Guide to Qualification scheme for turnkey contracts

6.2 Tackling possible conflicts of interest and risk of tender coordination

As mentioned in section 1.4.1, *Possibility of multiple admission in different constellations*, a turnkey contractor can be admitted to the scheme several times in several different constellations. Among the target number of turnkey contractors selected to submit tenders in accordance with the principles set out in section 6.1 above, there can therefore be entities that are members of different constellations in different ways.

For example, there may be

- an entity that is included in the scheme, but is also a member of a consortium/association of entities also admitted to the scheme;
- an entity admitted to the scheme in its own right, but is also admitted as a supporting entity;
- an entity can also act as a supporting entity for several different turnkey contractors admitted to the scheme;
- different constellations with no entities that are admitted in their own right, but in which the individual constellations are group-related, for example sister companies.

In such cases, there is a risk that tendering may be coordinated between the various contractors, preventing Banedanmark from being able to take their tenders into consideration and rejecting them as possible tenderers.

In order to avoid a risk of conflict of interest or distortion of competition between tenderers, it will be **presumed** that tenders will compete in the following situations:

1. An entity is a member of several constellations (whether on its own or as part of an association/a consortium or as supportive entity to other turnkey contractors admitted to the scheme).
2. A turnkey contractor uses an entity as a supporting entity that is a member of several constellations (whether on its own or as part of an association/a consortium or as supportive entity to other turnkey contractors admitted to the scheme).
3. Two entities that are members of the same group are members of several constellations (whether on their own or as part of an association/a consortium or as supportive entity to other turnkey contractors admitted to the scheme). "Group" is defined here as entities covered by Directive 2013/34/EU art. 22(1).

In the above situations, Banedanmark is obliged to refrain from inviting any of the constellations in which the entity is a member to submit tenders. This of course presupposes that the constellation has been invited to demonstrate that there is no risk of them following a practice which would threaten transparency and distort competition between tenderers.

When there are constellations amongst turnkey contractors selected to submit tenders in accordance with the principles set out in section 6.1 above, such contractors shall prove that there has been or will be no coordination of tenders within two working days of receiving a request.

If Banedanmark considers that the documentation provided provides sufficient evidence that there has not been, or will be, any tender coordination, it will invite the contractors who have provided such complete documentation.



Guide to Qualification scheme for turnkey contracts

Alternatively, those contractors can inform Banedanmark that all constellations – in which the same entity is involved or where the members of each constellation are affiliated – apart from one constellation, withdraw from participating as tenderers in the specific procurement. In such instances, Banedanmark will invite the contractor who has not withdrawn from the tender.

In instances when a turnkey contractor can neither prove that there has been nor will be tender coordination, or withdraws from the tendering procedure as set out above, that contractor will be excluded from tendering in the specific tender.

When assessing the above, the principles of the Judgment of the Court of 14.2.2006 in cases T-376/05 and T-383/05, TEA-CEGOS and others, the Judgment of the EU Court of Justice of 19.5.2009 in case C-538/07, Assitur, and of the Judgment of the EU Court of Justice of 17.5.2018 in case C-531/18 , Specializuotas Transportas, will be used.

When Banedanmark excludes turnkey contractors, or they announce that they will not be submitting a tender as set out above, Banedanmark will use the procedure in section 6.1 to select additional contractors up to the target number selected to submit tenders as specified in section 6.3 below.

Please note that the above also applies to other entities on which a turnkey contractor bases its financial or technical capacity in accordance with article 79 of 2014/25/EU.

6.3 Banedanmark's right to choose up to three or five turnkey contractors

If a turnkey contractor

- i. cannot participate according to section 0, or
- ii. Does not wish to participate after receiving an invitation

- Banedanmark choose the next that can be invited according to the method stated in section 6.1 (with 0 section continuing to apply).

6.4 Examples of application of the rules in sections 6.1 and 6.2

Example 5 – Section 6.1 :

A turnkey contract consists of approx. 60% track rebuilding, about 20% constructions, about 15% interlocking works, and about 5% clearance and demolition.

In the specific tender, Banedanmark wishes to invite 5 (five) turnkey contractors to submit tenders.



Guide to Qualification scheme for turnkey contracts

The following turnkey contractors (TC) meet the financial requirements set out in item I and are admitted for the following disciplines and when admitted, scored as indicated in the table:

Discipline/ TC	Track rebuilding	Constructions	Interlocking engineering work	Clearing & demolition	Relevant disciplines	Solvency ratio
A		4	4,33	3	Four	30%
B	5	-	-	5	Two	28%
C	4	3,67		3,33	Three	17%
D	5	3	5	-	Three	21%
E	4	-	4	-	Two	20%
F	3,67	4	-	4,33	Three	19%
G	5	-	-	-	One	30%
H	4		4		Two	22%

Turnkey contractor A is admitted to the scheme within all the disciplines requested and is therefore selected to be one of the contractors that receive an invitation to tender.

Those turnkey contractors admitted within most of the disciplines covered by the specific procurement will be assessed next. It can be seen that contractors C, D and F are included within three disciplines. As there are four places left, these three will therefore be selected to be those that receive invitations to tender.

There is then one place left. Contractors B, E and H are all admitted with two of the disciplines required. When selecting amongst them, which have the most relevant disciplines on the basis of weighting stated for the disciplines required in the specific procurement will be used. It can be seen that contractor B has track rebuilding, weighing approximately 60%, and clearance & demolition, weighing approximately 5%. It can also be seen that contractors E and H both have track rebuilding, weighing approximately 60% and interlocking works, weighing approximately 15%. Contractors E and H therefore have the most relevant disciplines for this specific procurement.

As there is only one place left, a choice must be made between E and H. This is done by assessing which has achieved the best score for discipline references seen in relation to the actual procurement.

Results are as follows:

- Turnkey contractor E: $(0.6 \times 4) + (0.15 \times 4) = 3$
- Turnkey contractor H: $(0.6 \times 4) + (0.15 \times 4) = 3$

As E and H are still level, solvency ratio from the last available financial year, ref. section 6.1, item III, ii will be the deciding factor. H is found to have the best equity ratio and will be the last contractor invited to submit a tender.

Although contractor B so far has a higher score $((0.6 \times 5) + (0.05 \times 5) = 3.25)$ than E, and H, the fact that E and H are better qualified for the relevant discipline (interlocking works) than B is with clearance & demolition will be given more importance.

As it can be seen, G will not be included in the field of five contractors selected to be invited to tender, as it is only admitted to the scheme with one of the disciplines requested, and there are five contractors admitted with more than one relevant discipline.



Guide to Qualification scheme for turnkey contracts

Example 6 – section 6.2:

Following the reduction of a possible tender field according to section 6.1, the following constellations are left, which have to be reduced according to section 0:

Ranking after Banedanmark has performed assessment under section 6.1	Independent TC	Supporting entities	Consortium
1	X1	N	
2	X1	C	
3	X1	A	
4	Y2	A	
5	Y2	B	
6	Y2	N	
7			Q5+D
8	Z3		
9	V4		
10			V4+A

As X1 and Y2 are both admitted to the qualification scheme in three different constellations, they will be given a period of two working days to demonstrate that there is no risk of a practice being followed which could jeopardise transparency and distortion of competition between tenderers.

If X1 and Y2 are unable or unwilling to prove this, they must themselves decide which of the constellations X1 and Y2 will submit tenders, alternatively, Banedanmark may disregard all the constellations in which they are involved for a specific contract.

In the example, X1 chooses N, but Y2 chooses N.

The list will then show that a new no. 7 comes in, T1 with B as supporting entity on the basis of section 6.3 above:

New placing	Independent TC	Supporting entities	Consortium
1	X1	N	
2	Y2	N	
3			Q5+D
4	Z3		
5	V4		
6			V4+A
7 (previously no. 11)	T1	B	

Ref. section 0, X1 and Y2 will then be requested to demonstrate that there will be no coordination of offers within two working days, as the consultant N is a member of the constellation with both of them.



Guide to Qualification scheme for turnkey contracts

Similarly, V4 must prove within two working days that there is no coordination in relation to tenders made as an independent turnkey contractor and as a member of a consortium with A.

X1 chooses to withdraw as an independent tenderer. V4 withdraws as an independent tenderer.

If X1, Y2 and V4 had not arrived at the solutions in question, not been able to demonstrate that there would be no tender coordination, Banedanmark would have to exclude all four constellations from tendering on the basis of the presumption rule in section 0.

The final list of constellations invited to submit a tender is thus as follows:

<i>New placing</i>	<i>Independent TC</i>	<i>Supporting entities</i>	<i>Consortium</i>
1	Y2	N	
2			Q5+D
3	Z3		
4			V4+A
5	T1	B	

7 Consortia, etc.

Where the applicant is a consortium or an association of undertakings, the participating undertakings will be jointly and severally liable, directly and unrestricted for tenders and for execution of a contract awarded.

The following must be completed when the applicant is a consortium or an association of undertakings:

- One ESPD **per participant** in the consortium or association, ref. section 0, ESPD.

Where the applicant is a consortium or an association of undertakings, the number of references stated in section 3.2, items 3.1), 4.1) and 5.1 shall apply to the consortium or the association as a whole.

None of the undertakings involved in the consortium or association can be subject to the grounds for exclusion set out in sections 135-137 of the Public Procurement Act, ref. section 0. This information must be given in ESPD Part III. Section 138 of the Public Procurement Act concerning proof of reliability is also applicable.

8 Reliance on the economic capacity of other entities

When an applicant does not possess the necessary financial capacity required in accordance to section 5.2 itself, and has to rely on the financial capacity of another or several other entities, ref. 2014/25/EU, article 79, disclosure shall be given in the applicant's ESPD, Part II, section C, Details on reliance of the capacities of other entities.

When an applicant relies on the economic capacity of other entities, such entities shall submit an independent ESPD, ref. section 4 above.

It is a requirement that those entities whose capabilities an applicant relies on are not covered by the exclusion grounds set out in the Public Procurement Act, sections 135-137, cf. section 0, and Part 11.2.4)



Guide to Qualification scheme for turnkey contracts

of the Statutory notice of procurement by tender, Description of the procurement by tender, item 4) Other entities. This information must be given in ESPD Part III. Section 138 of the Public Procurement Act concerning proof of reliability is also applicable.

When a contract is awarded under the qualification scheme, declaration of support shall be submitted in which a supporting entity declares that the applicant can rely on its financial capacity and that the entity is equally and severally liable for execution of the contract.

9 Reliance of the technical and professional capacities of other entities

When an applicant does not possess the necessary professional competencies, including competencies in the field of turnkey contracts within one or more of the professional disciplines and/or consultancy competencies, ref. section 5.3, and is therefore forced to rely on the technical and professional capacities of other entities, ref. 2014/25/EU article 79 on "Reliance of the capacities of other entities", the applicant must disclose this in its ESPD, Part II, section C, Information on the Reliance of the capacity of other entities.

When an applicant utilises the technical and professional capacities of other entities in accordance with article 79 of 2014/25/EU, those entities shall submit autonomous ESPDs, ref. section 4 above.

It is a requirement that those entities an applicant relies on are not covered by the exclusion grounds set out in the Public Procurement Act, sections 135-137, cf. section 0, and Part 11.2.4) of the Statutory notice of procurement by tender, Description of the procurement by tender, item 4) Other entities. This information must be given in ESPD Part III. Section 138 of the Public Procurement Act concerning proof of reliability is also applicable.

When an applicant relies on the capacity of other entities with regard to section 0, the maximum number of references stated in section 3.2, items 3.1), 4.1) and 5.1) are applicable to the applicant, including the other entities as a whole.

Please note that the contracts awarded under the qualification scheme will stipulate that an applicant who relies on the professional and technical capacities of other entities in connection with admission to the scheme shall use the capacities of those entities when undertaking the contract.

When a contract is awarded under the qualification scheme, declaration of support shall be submitted in which a supporting entity declares that the turnkey contractor can rely on its technical and professional capacities, ref. 2014/25/EU, article 79 and that the entity is equally and severally liable for execution of the contract.



Guide to Qualification scheme for turnkey contracts

10 Form A

Application for admission concerning professional disciplines

Disciplines/specialist areas	Check
Complete railways including: track, groundworks, bridges, interlocking, high voltage and conductors,	
Complete railways including: track, groundworks, bridges, interlocking, high voltage	
Track rebuilding	
Track building	
Ground- and concrete work in connection with track projects, including dams, drainage and/or pipeline work, and work in relation to contaminated soils and management of related environmental requirements;	
Constructions related to track projects, including bridges, tunnels, stations and/or platforms	
Conductive power for track projects, including masts and mast foundations, etc.	
Interlocking work	
Clearing and demolition including handling of related environmental requirements	

..... dated

(city and date)

.....
(Signature and company stamp)

CBR no.