

Invitation to tender without pre-
qualification

Registration number:2009/1566

2009-12-22

SWEDISH NATIONAL GRID
AFFÄRSVERKET SVENSKA KRAFTNÄT

**PROCUREMENT OF CONSTRUCTION OF STEEL
TOWER HV3, 400KV**

INVITATION TO TENDER
WITHOUT PRE-QUALIFICATION

SVENSKA KRAFTNÄT

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1 Contracting entity

Svenska Kraftnät is a public utility that runs Sweden's national power grid and has the system responsibility for the national electric supply. In total, the grid includes approximately 15,000 kilometers of 220 kV and 400 kV power lines, cross-border interconnectors and substations.

2 Contact details

Representative for the procuring entity during the tendering period is:

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3 The present procurement – brief description

Svenska Kraftnät is planning to build a new 400 kV overhead line in order to strengthen the network close to Gothenburg. The new overhead line will be connected to two existing 400 kV substations Stenkullen and Lindome. Because of the building of the new 400 kV transmission-line some preparations have to be undertaken. These preparations include moving two existing 400 kV transmission-lines in order to make room for the new line. To enable the move of the lines, 4 new steel lattice towers are needed.

Moving of the two existing 400 kV lines is planned during the summer 2010, starting week 27. Delivery therefore needs to be secured week 23.

Manufacture drawings will be provided by Svenska Kraftnät.

The preliminary time schedule for the project is as follows:

The signing of the contract is preliminarily scheduled for February, 2010

This preliminary time schedule is conditioned upon receipt of necessary permits (such as grid concessions and environmental permits). The contract is subject to all such permits being granted.

The procurement will be performed as a negotiated procedure under the Swedish Act on Procurement within the Utilities Sectors (SFS 2007:1092).

If no competitive tender is submitted, and as a result thereof the total investment cost will be clearly disproportionate or unreasonable, Svenska Kraftnät may cancel the procurement.

If the procurement is cancelled, Svenska Kraftnät will not be liable for any expenses incurred by tenderers in respect of participation in the procurement. Svenska Kraftnät assumes any obligation whatsoever to compensate or indemnify the tenderers for any expense or loss they may incur in preparation of the tenders or participation in the procurement, except to the extent such obligations nevertheless follow from mandatory provisions of law.

Tenderers are responsible for having taken steps to carefully examine all the tender invitation documents and also to have knowledge of all conditions, local or otherwise, affecting the carrying out of the contract work, and to have arrived at an estimate of



the facilities available and needed for the project. Failure to do so shall be at tenderers risk. Svenska Kraftnät assumes no responsibility for any understanding or representations concerning conditions made by any of its officers or agents/employees prior to the execution of the Contract Agreement.

It shall be the sole responsibility of a tenderer to determine and to satisfy himself by such means he considers necessary or desirable as to all matters pertaining to the project including the location and the nature of the work, climatic conditions, the nature and condition of the site, transportation and communication facilities, the requirement and availability of materials, labour, water, electric power and road and other factors that may affect the cost, duration and execution of the work. A tenderer acknowledges by the act of submitting his tender that he has determined the general characteristics of the project and the conditions indicated above.

Svenska Kraftnät assumes no responsibility regarding erroneous interpretation or conclusions by a tenderer out of the data furnished during the course of this procurement.

Prior to submittal of his tender, a tenderer is considered to have become familiar with all laws, decrees, acts and regulations which may affect or apply to the operations and activities of contractors.

4 Summary of the Invitation to Tender

This Invitation to Tender comprises the following documents:

Appendix 1 Contract (including Contract Appendices)

Also including appendix to the Contract (bellow)

Appendix 2 Technical description

Appendix 3 Technical guidelines support SvK TR5:03

Appendix 4 Assembly drawing of tower HV3- Steel-weight of tower

Appendix 5 Part of manufacture drawings of tower

Appendix 6 Delivery address



Where documents exist in both a Swedish and an English version, the Swedish version is the official and prevailing version.

5 Exclusion criteria

A tenderer will be excluded from further participation if he:

- (i) is bankrupt or is being wound up, is under compulsory administration or is the subject of a composition or has indefinitely stopped his payments or is subject to a prohibition on conducting business,
- (ii) is the subject of proceedings for a declaration of bankruptcy, for an order for compulsory winding up or administration by the court or composition or any other similar proceedings,
- (iii) has been convicted by a judgment which has the force of res judicata for an offence relating to professional practice,
- (iv) has been guilty of grave professional misconduct and the contracting entities can prove this,
- (v) has not fulfilled his obligations relating to social insurance charges or tax in its own country, or
- (vi) in some material respect has failed to provide information requested or provided incorrect information required pursuant to this invitation to tender.

The exclusion criteria apply both to tenderers and each of their partners, as applicable.

Tenderers shall in their tender explicitly assure that they are not subject to any of the exclusion criteria in (i) – (iii) above.

Tenderers shall enclose to their tender a certificate that evidences that all obligations with regard to payment of taxes and social insurance charges have been duly met (item (v) above). Swedish tenderers shall do this by enclosing a completed form SKV 4820. Foreign tenderers shall enclose a certificate to the same effect with regard to payment of taxes and social insurance charges in their respective country.

If Svenska Kraftnät becomes aware that the tenderer, or a representative of the tenderer, under a judgment that has entered into final legal force has been sentenced



for a crime listed in Chapter 10 Article 1 of the Swedish Act on Public Procurement within the Utilities Sectors, such tenderer will be excluded from participation in the procurement. Any decision in this respect will be based on merits as provided for in said Article.

6 Minimum requirements

The contracting entities require that tenderers meet certain minimum requirements as listed below.

Technical and professional ability

Tenderers must have the technical and professional ability that is required for due fulfilment of the procurement contract, and must as a consequence:

- (1) have expertise in and substantial experience of structural design
- (2) have manufacturing capacity to deliver as a minimum 4 towers until week 23.

propose the project organization for this assignment

propose a description of how the manufacturer intends to carry out the assignment

As evidence in support of such ability, tenderers **shall** in their tender provide:

- a reference list of at least three (3) comparable projects within the last ten years (item (1) above), containing for each such project a description of the art and nature of the work performed, technical characteristics, name and contact details of the buyer, location, and time period during which the work was performed,
- confirmations and descriptions to the effect that the tenderer will have capacity as required under items (1)-(2) above.

(2) Production plan, spring 2010 that illustrates manufacturing capacity to deliver as a minimum 4 towers until week 23 also according to attached Technical guidelines and Technical description



(3) Describe project execution manning that illustrates manufacturing capacity to deliver as a minimum 4 towers until week 23 also according to attached Technical guidelines and Technical description

Other information to be submitted with the Tender:

(5) Detail drawing that describes the design of splices for the steel tube elements according to attached Technical guidelines and Technical description.

(6) Information regarding the corrosion protection outside and inside the steel pole according to attached Technical guidelines and Technical description

(7) Information regarding the content of Cadmium in the galvanisation process according to attached Technical guidelines and Technical description Evaluation of tenders

6.1 Prerequisites

Svenska Kraftnät will evaluate all tenderers who are not disqualified under the exclusion criteria listed above, and who fulfil the minimum requirements listed above.

The tenders will be evaluated as set forth below only if they fulfill all unconditional requirements of this Invitation to Tender.

6.2 Applicable principle of evaluation

Svenska Kraftnät will award the contract to the tenderer that has submitted the economically most advantageous offer, where applicable, as amended by any negotiations.

6.3 Evaluation criteria and evaluation method

Svenska Kraftnät will evaluate the tenders and decide which is the economically most advantageous on the basis of the following evaluation criteria:

(1) Total tender price

(2) Proposed terms of payment burden with cost of interest.

(Cost of Interest, 5 % calculated from the date of payment until taking over according to contract).



The amounts calculated and estimated for the above criteria will be summed up in a total evaluation amount. The tender resulting in the lowest total evaluation amount will be deemed to be the economically most advantageous offer.

7 Other requirements on the formulation of tenders

In addition to what is requested elsewhere in this Invitation to Tender, tenders are subject to the following.

The Tenderer shall describe in the tender how it intends to fulfill all requirements and the tender shall contain all information and documents stipulated in this Invitation to Tender together with attached appendices.

Tenders **shall** be duly signed and **shall** be written in the English language. Any enclosures in other languages than English should be accompanied with translations to English. Any translations of official documents and certificates **shall** be authorised.

Indicate in the tender the name, postal address, telephone number and e-mail address of a representative that Svenska Kraftnät may use for contact purposes during the procurement. The representative will be considered authorized to negotiate on behalf of the tenderer.

7.1 Commercial Conditions

Agreement between, on the one hand, Svenska Kraftnät and, on the other hand, the winning tenderer, will be entered into only by means of a written procurement contract, signed by all parties (*upphandlingskontrakt*). The commercial conditions are set out in the Contract Agreement (Appendix 1).

Any reservations against a not compelled term **shall** be noted in the tender. Such a reservation shall be priced in the tender otherwise the tender risk to be rejected. The tender will be rejected if there are any reservations against a compelled term.

Tender prices **shall** be stated in Swedish currency (SEK), exclusive of VAT. Duties, custom fees, taxes or other charges, if any, **shall** be included in the tender price.



7.2 Complete tenders

Tenders **shall** embrace the full scope of the procurement.

7.3 Subcontractors

The tenderer **shall** in his tender state which parts of the scope of the procurement contract, if any, he intends to subcontract other suppliers or contractors for. Any such subcontractor, proposed by the winning tenderer and accepted by Svenska Kraftnät, will subsequently be listed in the procurement contract.

The use of or replacement of such subcontractor will be subject to the provisions of the procurement contract. Svenska Kraftnät may deny to accept an initially proposed subcontractor only if that subcontractor is subject to any relevant exclusion criterion according to the exclusion criteria set forth above, or if that subcontractor fails to fulfill the minimum requirements for technical capacity insofar as these requirements are relevant to the scope of the procurement that is to be performed by the subcontractor.

8 Administrative instructions

8.1 Questions

All questions shall be sent by e-mail or by postal mail to the addresses stated in Contact details above. Questions will not be answered by telephone. A summary of relevant questions and answers will be distributed to all tenderers who have ordered this invitation to tender. The identity of the questioner will not be disclosed.

Questions or requests for clarification concerning this Invitation to Tender shall be made in the Swedish or English language. Questions or requests for clarification must have been received by Svenska Kraftnät not later than twelve working days prior to the final date for receipt of tenders.



8.2 Tender submission

The tenders shall be made in writing and be sent to the address stated in Contact Details above (or handed over at the Svenska Kraftnät headquarters in Sundbyberg) in a sealed and anonymous envelope.

Mark the envelope clearly as follows:

Tender for procurement of Construction of Steel Tower HV3

Registration number: 2009/1566

Submit three(3) complete sets of the tender – one (1) original and two (2) copies. State prices only in the original set.

Also submit one complete tender electronically (USB memory stick or CD) without prices in Word, Excel, MS Project or pdf format.

Tenders submitted by e-mail or telefax will not be accepted.

8.3 Tender submission period

Tenders **shall** have been received by Svenska Kraftnät no later than January 29th 2010.

8.4 Validity of tenders

Tenders **shall** remain valid 3 months after the last day for submission of tenders.

If the procurement is contested before any Administrative Court or other competent court, the validity of the tenders shall automatically and at all times be prolonged until such time as the procurement contract may be signed by the tenderer and Svenska Kraftnät, however not longer than four (4) month after the validity date of the tenders unless all concerned tenderers agree to such prolongation.

8.5 Opening of tenders

Tenders will be opened during office hours as soon as practicable after the expiration of the tender submission period, in the presence of two persons appointed by Svenska Kraftnät.



Should a tenderer request, an individual appointed by a Chamber of Commerce also shall be present, the cost to be defrayed by the tenderer making the request.

Such a request shall be submitted in writing at least two weeks before the expiration of the tender submission period.

8.6 Information about the award

Information about the award will be distributed to all tenderers in accordance with the provisions of the Swedish Act on Procurement within the Utilities Sector.

Tenders **shall** include a telefax number or e-mail address of the tenderer. The abovementioned award information will be sent to such address.

If Svenska Kraftnät, after the award but prior to the expiry of the period for judicial review (*överprövning*) by any competent court, is informed that such court

(a) has prohibited conclusion of the procurement until some further ruling has been made,

(b) has ordered that the procurement be recommenced, or

(c) has ordered that the procurement may be concluded only when rectification has been made,

Svenska Kraftnät is entitled to change the award regardless of whether the tenderers have been informed about the award. The tenderers are in such case not entitled to any damages or other compensation, except to the extent such right nevertheless follow from mandatory provisions of law. The above mentioned does not imply any restriction on the right of Svenska Kraftnät to change the award in other cases.

8.7 Public documents and secrecy

Tenders submitted to Svenska Kraftnät are, according to Chapter 19, 3 § of the Swedish Publicity and Secrecy Act (SFS 2009:400), subject to absolute secrecy until all tenders have become public or an award has been rendered or the procurement prior to that in any other manner has been concluded, i.e. normally until the time of the award.

After the award or the time at which the absolute secrecy otherwise has ceased to be in effect, secrecy will, according to Chapter 31, 16 § of the same Act, continue to apply



with regard inter alia to information concerning business or operation conditions of a private entity entering into business relations with the public authority, if it for any particular reason can be assumed that the private entity will suffer harm from the disclosure of the information. Information not comprised by secrecy will become public after the award. Tenderers should therefore state which parts of the information in the tenders that may be sensitive from a secrecy point of view, and for what reason disclosure of such information may be harmful to the tenderer. Svenska Kraftnät will not be bound by any such assessment or instruction from the tenderers, but will make an independent assessment of its own in each individual case.

