

UK-London: energy and related services

2008/S 152-205316

CONTRACT NOTICE

Services

SECTION I: CONTRACTING AUTHORITY

I.1) NAME, ADDRESSES AND CONTACT POINT(S):

The Crown Estate (Marine Estates), 16 New Burlington Place, Contact: Danielle Lane, Attn: Danielle Lane, UK-London W1S 2HX . Tel. (44) 20 78 51 50 37. E-mail: round3@thecrownestate.co.uk. Fax (44) 20 78 51 51 25.

Internet address(es):

General address of the contracting authority: www.thecrownestate.co.uk.

Further information can be obtained at: As in above-mentioned contact point(s).

Specifications and additional documents (including documents for competitive dialogue and a dynamic purchasing system) can be obtained at: As in above-mentioned contact point(s).

Tenders or requests to participate must be sent to: As in above-mentioned contact point(s).

I.2) TYPE OF THE CONTRACTING AUTHORITY AND MAIN ACTIVITY OR ACTIVITIES:

Other: Crown Body.

Other: Property management.

The contracting authority is purchasing on behalf of other contracting authorities: no.

SECTION II: OBJECT OF THE CONTRACT

II.1) DESCRIPTION

II.1.1) Title attributed to the contract by the contracting authority:

Round 3 Wind Farm Development.

II.1.2) Type of contract and location of works, place of delivery or of performance:

Services.

Service category: No 27.

II.1.3) The notice involves:

II.1.4) Information on framework agreement:

II.1.5) Short description of the contract or purchase(s):

The rapid development of renewable energy capacity is central to the delivery of the EU's target of a 20 % renewable energy contribution by 2020. Offshore wind energy is expected to provide a large share of the UK's renewable electricity. This will require up to 33GW of installed offshore wind capacity and up to 7000 offshore wind turbines. As the owner of the majority of the seabed within the 12 nautical miles UK territorial limit The Crown Estate has the power to grant leases for the development of offshore wind farm sites within that area, whilst under the Energy Act 2004 The Crown Estate has the power to license the generation of renewable energy on the continental shelf within the Renewable Energy Zone. The Crown Estate's permission is also necessary to place structures on or lay cables over the seabed and the part of the foreshore which it owns. Accordingly, The Crown Estate has a central role in the delivery of offshore wind energy. The Crown Estate has already made available areas of seabed for the development of offshore wind farms through two rounds

of site lease awards in UK territorial waters and the Renewable Energy Zone. Round 3 builds on the 8GW offshore wind farm projects being delivered by Rounds 1 and 2 of offshore wind farm development and aims to deliver up to 25GW of new offshore wind farm sites. The programme for Round 3 will be delivered through a combination of the technical experience of the offshore wind industry with efficiencies generated by The Crown Estate's access to resources and stakeholders. The Crown Estate is therefore now seeking one or more private sector partners for the purpose of developing offshore wind farms in each of the offshore wind farm zones to be identified following the Strategic Environmental Assessment (SEA) currently being undertaken by the Department for Business Enterprise & Regulatory Reform (BERR) (the offshore wind farm zones). Interested parties are invited to express an interest in participating in the competition to become partners with The Crown Estate in the development of offshore wind farm zones. Successful bidders will have exclusive rights to develop wind farms in their zone. The Crown Estate proposes to co-invest up to 50 % of the cost of obtaining planning consents for wind farm sites. It will also fund enabling works to speed up wind farm delivery. This will include action to address zone-wide environmental concerns and consenting bottlenecks. The Crown Estate has already funded a study on options for connecting new wind farms to the national grid which will be made available to successful bidders in due course. The selected partners will remain wholly responsible for the construction and operation of the wind farm sites. The Crown Estate envisages that it will enter into a Zone Development Agreement (ZDA) with each Partner, which will be a special purpose company established by the successful bidder (or consortium) for that zone. Each successful bidder will be required to guarantee the obligations of the Partner under the ZDA. One of the purposes of the ZDA will be to identify prospective sites for wind farm development within the wind farm zone. In support of this, the ZDA will cover gathering zone-wide data for use on all future projects (e.g. environmental, wind) and addressing zone-wide permitting issues (ecological, navigational, fisheries etc). This process will culminate in The Crown Estate approving proposed wind farm sites. Once this has happened, the Partner will establish a special purpose company (the Project Company) for each proposed project. The Crown Estate will have security and step-in-rights to ensure performance of the Partner's and each Project Company's obligations. The Project Company will conduct all project specific work and obtain the required project consents including marine consents. Any other environmental surveys and impact assessments which may be required will be carried out by the Project Company. Following the identification of the wind farm site the Project Company will enter into an Agreement for Lease with The Crown Estate. The Agreement for Lease may also include rules for allowing amendments to agreed areas. Once all necessary consents have been obtained and other conditions satisfied, the Project Company will be able to exercise an option for a Lease for the wind farm site. A premium will be payable on grant of the Lease. Under the ZDA, the Partner will own each Project Company but there will be restrictions in relation to any change of ownership. Specifically, the Partner will not be able to sell or transfer all or part of its ownership interest in a Project Company without The Crown Estate's approval.

II.1.6) **Common procurement vocabulary (CPV):**

74231400, 31121340 - N002.

II.1.7) **Contract covered by the Government Procurement Agreement (GPA):**

No.

II.1.8) **Division into lots:**

Yes.

Tenders should be submitted for: one or more lots.

II.1.9) **Variants will be accepted:**

Yes.

II.2) **QUANTITY OR SCOPE OF THE CONTRACT**

II.2.1) **Total quantity or scope:**

II.2.2) **Options:**

II.3) **DURATION OF THE CONTRACT OR TIME-LIMIT FOR COMPLETION:**

Completion: 1.4.2020.

INFORMATION ABOUT LOTS

1) **SHORT DESCRIPTION:**

2) **COMMON PROCUREMENT VOCABULARY (CPV):**

74231400, 31121340 - N002.

3) **QUANTITY OR SCOPE:**

4) **INDICATION ABOUT DIFFERENT DATE FOR DURATION OF CONTRACT OR STARTING/COMPLETION:**

5) **ADDITIONAL INFORMATION ABOUT LOTS:**

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74231400, 31121340 - N002.

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- 5) **ADDITIONAL INFORMATION ABOUT LOTS:**

SECTION III: LEGAL, ECONOMIC, FINANCIAL AND TECHNICAL INFORMATION

III.1) CONDITIONS RELATING TO THE CONTRACT

III.1.1) Deposits and guarantees required:

Parent company or other guarantees may be required in certain circumstances.

III.1.2) Main financing conditions and payment arrangements and/or reference to the relevant provisions regulating them:

III.1.3) Legal form to be taken by the group of economic operators to whom the contract is to be awarded:

Joint and several liability.

III.1.4) **Other particular conditions to which the performance of the contract is subject:**

No.

III.2) **CONDITIONS FOR PARTICIPATION**

III.2.1) **Personal situation of economic operators, including requirements relating to enrolment on professional or trade registers:**

Information and formalities necessary for evaluating if requirements are met: Parties who wish to express an interest in this competition must submit the following information to the email address set out in Section I.1 above: (i) name of entity expressing interest; (ii) postal address; (iii) country of incorporation; (iv) company registration number; (v) contact details, including full name, postal address (if different from (ii) above), telephone number, facsimile number and email address of person to whom any further information about the competition may be sent. Expressions of interest must be received by the date specified in Section IV.3.4 below. The Crown Estate will not conduct a bidder selection process at this stage. Accordingly, it will forward the Invitation to Negotiate (ITN), a draft ZDA and any other related documentation to all parties expressing an interest when these are made available. The ITN will set out certain financial, technical and other relevant criteria which will form the basis for the selection of bidders with whom negotiations will commence. As part of such selection, all parties expressing an interest will also be required to sign a declaration confirming that there are no grounds pursuant to which they may be rejected under Article 45 of Directive 2004/18/EC, including that the party in question or any of its directors or any other person who has powers of representation, decision or control over that party is not and has not been: (A) in a state of bankruptcy, insolvency, compulsory winding up, administration, receivership, composition with creditors or any analogous state, or subject to relevant proceedings; (B) convicted of a criminal offence relating to business or professional conduct; (C) committed an act of grave misconduct in the course of business; (D) failed to fulfil its obligations relating to the payment of social security contributions; (E) failed to fulfil obligations relating to the payment of taxes. Further information about the assessment and selection process as well as the procurement process in general will be made available in the ITN.

III.2.2) **Economic and financial capacity:**

Information and formalities necessary for evaluating if requirements are met: Please refer to Section III.2.1 above.

III.2.3) **Technical capacity:**

Information and formalities necessary for evaluating if requirements are met: Please refer to Section III.2.1 above.

III.2.4) **Reserved contracts:**

No.

III.3) **CONDITIONS SPECIFIC TO SERVICES CONTRACTS**

III.3.1) **Execution of the service is reserved to a particular profession:**

No.

III.3.2) **Legal entities should indicate the names and professional qualifications of the staff responsible for the execution of the service:**

No.

SECTION IV: PROCEDURE

IV.1) **TYPE OF PROCEDURE**

IV.1.1) **Type of procedure:**

Negotiated.

Candidates have already been selected: no.

IV.1.2) Limitations on the number of operators who will be invited to tender or to participate:

Envisaged minimum number: 3.

Objective criteria for choosing the limited number of candidates: Please refer to Section III.2.1 above.

IV.1.3) Reduction of the number of operators during the negotiation or dialogue:

Recourse to staged procedure to gradually reduce the number of solutions to be discussed or tenders to be negotiated yes.

IV.2) AWARD CRITERIA

IV.2.1) Award criteria:

The most economically advantageous tender in terms of the criteria stated in the specifications, in the invitation to tender or to negotiate or in the descriptive document.

IV.2.2) An electronic auction will be used:

No.

IV.3) ADMINISTRATIVE INFORMATION

IV.3.1) File reference number attributed by the contracting authority:

IV.3.2) Previous publication(s) concerning the same contract:

Prior information notice

Notice number in OJ: [2008/S 108-144869](#) of 5.6.2008.

IV.3.3) Conditions for obtaining specifications and additional documents or descriptive document

IV.3.4) Time-limit for receipt of tenders or requests to participate:

5.9.2008.

IV.3.5) Date of dispatch of invitations to tender or to participate to selected candidates:

IV.3.6) Language(s) in which tenders or requests to participate may be drawn up:

English.

IV.3.7) Minimum time frame during which the tenderer must maintain the tender:

IV.3.8) Conditions for opening tenders:

SECTION VI: COMPLEMENTARY INFORMATION

VI.1) THIS IS A RECURRENT PROCUREMENT:

No.

VI.2) CONTRACT RELATED TO A PROJECT AND/OR PROGRAMME FINANCED BY EU FUNDS:

No.

VI.3) ADDITIONAL INFORMATION:

As indicated in Section II.1.8, the award of this contract opportunity will be divided into different lots and parties may bid for one or more lots. The current reference to 11 lots in Section II.1.8 is indicative only. The final number of lots will only be determined following the conclusion of the SEA by the BERR which at the time of submission of this notice for publication was still on-going. Accordingly, The Crown Estate will advise interested parties about the lots which will be made available in due course. A map showing likely suitable zones for offshore wind farm development may be accessed through the following website: <http://www.thecrownestate.co.uk/round3>. However, that map is subject to revision following the conclusion of BERR's SEA as indicated above. Further information about this procurement process will be made available in the ITN which will be issued to all interested parties. It is currently envisaged that the process will also involve some form of electronic tendering.

The particular method may not necessarily follow the electronic auction procedure provided for in Article 54 of Directive 2004/18/EC. The Crown Estate is not subject to public procurement regulation and is not, therefore, required to advertise its requirements in the Official Journal of the EU or indeed to comply with any other obligation relating to public procurement which may emanate from the relevant public procurement EC directives, UK implementing legislation or the EC Treaty. The publication of this or any other notice is voluntary and does not set a precedent. In publicising this or any other notice, The Crown Estate is not required and does not undertake to comply with any of the legal authorities referred to above and therefore accepts no liability in that respect. Compliance by candidates with all relevant legislation is required both in the contract award procedure and during the term of any resulting contract. The publication of this notice in no way obliges The Crown Estate to commence any competitive tender process. The Crown Estate is not and shall not be liable for any costs incurred by those expressing an interest or negotiating or tendering for this contract. The information contained in this notice, including the list of CPV codes, is neither exhaustive nor binding, and may be amended at the time of issue of any further notice or notices or at any other time at the discretion of The Crown Estate. Tenders and all supporting documentation must be priced in pounds sterling. Any resulting contract will be considered a contract made in England according to English law. The Crown Estate reserves the right not to award a contract, to make whatever changes it sees fit to the structure and timing of the procurement process and to cancel the process in its entirety at any stage.

VI.4) **PROCEDURES FOR APPEAL**

VI.4.1) **Body responsible for appeal procedures:**

VI.4.2) **Lodging of appeals:**

VI.4.3) **Service from which information about the lodging of appeals may be obtained:**

VI.5) **DATE OF DISPATCH OF THIS NOTICE:**

4.8.2008.