

New Trains - Supply and Maintenance of Electronic Trainsets

I.D.: 90536909

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Descriere: Through tender notice no. 2018/S 120-274572 dated June 22, 2018, published on June 26, 2018, DSB (Danish State Railways) tendered out agreements for the procurement of 'New Trains - Supply and Maintenance of Electronic Trainsets', at an estimated value of 50 billion Danish Kroner. The tender was carried out in accordance with the Utilities Directive (2014/25/EU). DSB announces with this notice that DSB intends to enter into an agreement to amend the contract, cf. further details on this in sections 2.1 and 5.1. During the project execution the parties have disagreed about the responsibility for delay of Milestones in the Project Time Schedule and MPM Time Schedule and about certain issues regarding the Reliability regime of the agreements. Furthermore the parties have disagreed regarding a number of raised claims, Variations and Issues. The parties have agreed to settle these matters without changing the economic balance of the agreements in favour of Alstom Transport Danmark A/S ("the supplier") in a manner which was not provided for in the agreements and while maintaining the overall balance of the respective rights and obligations of the parties. The parties have therefore agreed to the following amendments:

1. Changes to the Reliability Regime in terms of a) exclusion of Significant Defects on four specific STM-DK components (however, capped), b) adjustment of parts of the stepwise improvements during Reliability Demonstration Phase, c) change of requirements for Trial Operation Test for the first five trainsets so more than five trainsets (up to seven trainsets) can be used for the Trial Operation Test in Denmark, the number of Defects allowed are reset for the Trial Operation Test in Denmark and modifications will be allowed during the Trial Operation Test outside Denmark under certain conditions, d) increase of the Reliability Target for Significant Defects and decrease of the Reliability Target for Major Defects and e) introduction of an additional Reliability Performance Penalty.
2. Change concerning time of delivery. The date of the Preliminary Take Over (PTO) of the first trainset has been postponed by 19 months and an additional penalty for delay has been introduced.
3. Monetary compensation converted into trainsets. DSB will receive a number of trainsets at no cost and will have the possibility to receive an additional number of trainsets at no cost, if DSB submits an Additional Purchase Order for additional trainsets within a certain time frame. A new bonus regime has also been implemented in form of a "win back" mechanism, whereby the supplier can "win back" payment for some of the additional trainsets.
4. Settlement of a number of other disagreements regarding raised claims, Variations and Issues.