

**Supplement to the Official Journal of the European Union**Info and online forms: <http://simap.ted.europa.eu>**CONTRACT AWARD NOTICE – UTILITIES**Results of the procurement procedure  
Directive 2014/25/EU**SECTION I: CONTRACTING ENTITY****I.1) Name and addresses**

(please identify all contracting entities responsible for the procedure)

Official name: Rail Cargo Hungaria Zrt.			National registration number:
Postal address: Am Hauptbahnhof 2 Váci út 92			
Town: Budapest	NUTS code: HU	Postal code: 1133	Country: Hungary
Contact person: ÖBB-Personenverkehr AG			Telephone: +43 6646170248
E-mail: <a href="mailto:johann.wernhart@pv.oebb.at">johann.wernhart@pv.oebb.at</a>			Fax:
Internet address(es) Main address: (URL) <a href="http://www.oebb.at">www.oebb.at</a> Address of the buyer profile: (URL)			

**I.2) Joint procurement**☐ The contract involves joint procurement:

In the case of joint procurement involving different countries, state applicable national procurement law:

☐ The contract is awarded by a central purchasing body:**I.6) MAIN ACTIVITY**

<input type="checkbox"/> Production, transport and distribution of gas and heat <input type="checkbox"/> Electricity <input type="checkbox"/> Extraction of gas and oil <input type="checkbox"/> Exploration and extraction of coal and other solid fuels <input type="checkbox"/> Water <input type="checkbox"/> Postal services	<input checked="" type="checkbox"/> Railway services <input type="checkbox"/> Urban railway, tramway, trolleybus or bus services <input type="checkbox"/> Port-related activities <input type="checkbox"/> Airport-related activities <input type="checkbox"/> Other:
--	---

**SECTION II: OBJECT****II.1) Scope of the procurement**

<b>II.1.1) Title:</b> Anmietung und Instandhaltung von Elektrostreckenlokomotiven und E-Hybridvershublokomotiven	<b>Reference number:</b> 327/18/509
<b>II.1.2) Main CPV code:</b> 34611000 Supplementary CPV code [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ]	
<b>II.1.3) Type of contract</b> <input type="radio"/> Works <input checked="" type="radio"/> Supplies <input type="radio"/> Services	
<b>II.1.4) Short description:</b> Anmietung und Instandhaltung von 2 Elektrostreckenlokomotiven und 2 E-Hybridvershublokomotiven	
<b>II.1.6) Information about lots</b> This contract is divided into lots <input type="radio"/> yes <input checked="" type="radio"/> no	
<b>II.1.7) Total value of the procurement (excluding VAT)</b>	

Agree to publish? ☐ yes ☒ no

Value: [] (Please give the total value of the procurement. For information about individual contracts, please use section V)  
or  
Lowest offer: [] / Highest offer:[] taken into consideration  
Currency:  
(for framework agreements – total maximum value for their entire duration  
(for dynamic purchasing systems – value of contract(s) not included in previous contract award notices)  
(for contracts based on framework agreements, if required – value of contract(s) not included in previous contract award notices)

## II.2) Description

<b>II.2.1) TITLE:</b>	
<b>II.2.2) Additional CPV code(s)</b> <b>Main CPV code:</b> [] [] [] [] [] [] [] [] <b>Supplementary CPV-Code:</b> [] [] [] [] [] [] [] [] <b>Main CPV code:</b> [] [] [] [] [] [] [] [] <b>Supplementary CPV-Code:</b> [] [] [] [] [] [] [] [] <b>Main CPV code:</b> [] [] [] [] [] [] [] [] <b>Supplementary CPV-Code:</b> [] [] [] [] [] [] [] [] <b>Main CPV code:</b> [] [] [] [] [] [] [] [] <b>Supplementary CPV-Code:</b> [] [] [] [] [] [] [] []	
<b>Place of performance</b> NUTS code:HU  Main site or place of performance:Ungarn	
<b>II.2.4) Description of the procurement:</b> Anmietung und Instandhaltung von bis zu 20 Elektrostreckenlokomotiven und 20 E-Hybridverschublokomotiven (nature and quantity of works, supplies or services or indication of needs and requirements)	
<b>II.2.5) Award criteria</b>	
(Agree to publish? <input type="radio"/> yes <input checked="" type="radio"/> no )	
<b>II.2.11) Information about options</b> <input type="checkbox"/> Options: Description of options:	
<b>II.2.13) Information about European Union funds</b> The procurement is related to a project and/or programme financed by European Union funds <input type="radio"/> yes <input checked="" type="radio"/> no Identification of the project:	
<b>II.2.14) Additional information:</b>	

## SECTION IV: PROCEDURE

### IV.1) Description

<b>IV.1.1) Type of procedure</b> <input type="radio"/> Open procedure <input type="radio"/> Restricted procedure <input checked="" type="radio"/> Negotiated procedure with prior call for competition <input type="radio"/> Competitive dialogue <input type="radio"/> Innovation partnership <input type="radio"/> Award of a contract without prior publication of a call for competition in the Official Journal of the European Union in the cases listed below(please complete Annex D2)
<b>IV.1.3) Information about a framework agreement or a dynamic purchasing system</b>

<input checked="" type="checkbox"/> The procurement involves the establishment of a framework agreement:  <input type="checkbox"/> A dynamic purchasing system was set up:
<b>IV.1.6) Information about electronic auction</b>  <input type="checkbox"/> An electronic auction has been used:
<b>IV.1.8) Information about the Government Procurement Agreement (GPA)</b>  The procurement is covered by the Government Procurement Agreement <input type="radio"/> yes <input checked="" type="radio"/> no

## IV.2) Administrative information

<b>IV.2.1) Previous publication concerning this procedure</b> Notice number in the OJ S: 2018/S 210–481059 (One of the following: Periodic indicative notice – utilities, used as a call for competition; Contract notice – utilities; Qualification system – utilities, used as a call for competition; Voluntary ex ante transparency notice)
<b>IV.2.8) Information about termination of dynamic purchasing system</b>  <input type="checkbox"/> The notice involves the termination of the dynamic purchasing system published by the above contract notice:
<b>IV.2.9) Information about termination of call for competition in the form of a prior information notice</b>  <input type="checkbox"/> The contracting entity will not award any further contracts based on the above periodic indicative notice:

## SECTION V: AWARD OF CONTRACT

Contract No:[] Lot No:[] Title:[]

A contract/lot is awarded ☒ yes ☐ no

### V.1) Information on non-award

The contract/lot is not awarded  <input type="radio"/> No tenders or requests to participate were received or all were rejected  <input type="radio"/> Other reasons (discontinuation of procedure)
---

### V.2) Award of contract

<b>V.2.1) Date of conclusion of the contract</b> 11/09/2019 (dd/mm/yyyy)
<b>V.2.2) Information about tenders</b>  Agree to publish? <input type="radio"/> yes <input checked="" type="radio"/> no  Number of tenders received: [] Number of tenders received from SMEs: [] (SME – as defined in Commission Recommendation 2003/361/EC) Number of tenders received from tenderers from other EU Member States: [] Number of tenders received from tenderers from non-EU Member States: [] Number of tenders received by electronic means: []  The contract has been awarded to a group of economic operators <input type="radio"/> yes <input type="radio"/> no
<b>V.2.3) Name and address of the contractor</b>  Agree to publish? <input type="radio"/> yes <input checked="" type="radio"/> no
<b>V.2.4) Information on value of the contract/lot (excluding VAT)</b>  Agree to publish? <input type="radio"/> yes <input checked="" type="radio"/> no  Initial estimated total value of the contract/lot: [] (for framework agreements or dynamic purchasing systems – estimated total maximum value for the entire duration of this lot)

Total value of the contract/lot: [] or Lowest offer: [] / Highest offer: [] taken into consideration Currency:  (for framework agreements – total maximum value for this lot) (for dynamic purchasing systems – value of contract(s) for this lot not included in previous contract award notices) (for contracts based on framework agreements, if required – value of contract(s) for this lot not included in previous contract award notices)
<b>V.2.5) Information about subcontracting</b> <input type="checkbox"/> The contract is likely to be subcontracted:  Value or proportion likely to be subcontracted to third parties Value excluding VAT: [ ] Currency: [ ] [ ]  Proportion: [ ] % Short description of the part of the contract to be subcontracted:
<b>V.2.6) Price paid for bargain purchases</b> Value excluding VAT: [ ] Currency: EUR
<b>V.2.7) Number of contracts awarded:</b> [1]
<b>V.2.8) Country of origin of the product or service</b> <input type="checkbox"/> Community origin:  <input checked="" type="checkbox"/> Non-community origin: Country: China ,
<b>V.2.9) The contract was awarded to a tenderer who submitted a variant</b> <input type="radio"/> yes <input checked="" type="radio"/> no
<b>V.2.10) Tenders were excluded on the ground that they were abnormally low</b> <input type="radio"/> yes <input checked="" type="radio"/> no

## SECTION VI: COMPLEMENTARY INFORMATION

### VI.3) Additional information

--

### VI.4) Procedures for review

<b>VI.4.1) Review body</b>		
Official name: Bundesverwaltungsgericht		
Postal address: Erdbergstraße 192 – 196		
Town: Wien	Postal code: 1030	Country: Austria
E-mail: einlaufstelle@bvwg.gv.at	Telephone: +43 1/60149/0	
Internet-Address:(URL) https://www.bvwg.gv.at/	Fax: +43 71123/8891541	
<b>VI.4.2) Body responsible for mediation procedures</b>		
Official name:		
Postal address:		
Town:	Postal code:	Country: Austria
E-mail:	Telephone:	

Internet-Address:(URL)		Fax:
<b>VI.4.3) Review procedure</b>		
Precise information on deadline(s) for review procedures:		
<b>VI.4.4) Service from which information about the review procedure may be obtained</b>		
Official name:		
Postal address:		
Town:	Postal code:	Country: Austria
E-mail:	Telephone:	
Internet-Address:(URL)	Fax:	

**VI.5) Date of dispatch of this notice: (dd/mm/yyyy):** 03/10/2019

#### **Annex D2 – Utilities**

#### **Justification for the award of the contract without prior publication of a call for competition in the Official Journal of the European Union**

Directive 2014/25/EU

(please select the relevant option and provide an explanation)

- ☒ **1. Justification for the choice of the negotiated procedure without prior publication of a call for competition in accordance with Article 50 of Directive 2014/25/EU**
  - ☐ No tenders or no suitable tenders/requests to participate in response to a procedure with prior call for competition
  - ☐ The contract involved is purely for the purpose of research, experiment, study or development under the conditions stated in the directive
  - ☐ The works, supplies or services can be provided only by a particular economic operator for the following reason
    - ☒ absence of competition for technical reasons
    - ☐ procurement aiming at the creation or acquisition of a unique work of art or artistic performance
    - ☐ protection of exclusive rights, including intellectual property rights
  - ☐ Extreme urgency brought about by events unforeseeable for the contracting entity and in accordance with the strict conditions stated in the directive:
  - ☐ Additional deliveries by the original supplier ordered under the strict conditions stated in the directive:
  - ☐ New works/services, constituting a repetition of existing works/services and ordered in accordance with the strict conditions stated in the directive
  - ☐ Service contract to be awarded to the winner or one of winners under the rules of a design contest
  - ☐ Procurement of supplies quoted and purchased on a commodity market
  - ☐ Purchase of supplies or services on particularly advantageous terms
    - ☒ from a supplier which is definitively winding up its business activities
    - ☐ from the liquidator in an insolvency procedure, an arrangement with creditors or a similar procedure under national laws and regulations
  - ☐ Bargain purchase taking advantage of a particularly advantageous opportunity available for a very short time at a price considerably lower than market prices:
- ☒ **2. Other justification for the award of the contract without prior publication of a call for competition in the Official Journal of the European Union**

☐ The procurement falls outside the scope of application of the directive:

### **3.Explanation**

Please explain in a clear and comprehensive manner why the award of the contract without prior publication in the Official Journal of the European Union is lawful, by stating the relevant facts and, as appropriate, the conclusions of law in accordance with the directive: