

**Supplement to the Official Journal of the European Union**Info and online forms: <http://simap.ted.europa.eu>**CONTRACT AWARD NOTICE**Results of the procurement procedure  
Directive 2014/24/EU**SECTION I: CONTRACTING AUTHORITY****I.1) Name and addresses**

(please identify all contracting authorities responsible for the procedure)

|   |                 |                   |                               |
|---|-----------------|-------------------|-------------------------------|
| Official name: Stadt Wien – Unternehmung Wiener Krankenanstaltenverbund   |                 |                   | National registration number: |
| Postal address: Thomas-Klestil-Platz 7/1  |                 |                   |                               |
| Town: Wien  | NUTS code: AT13 | Postal code: 1030 | Country: Austria              |
| Contact person: RA Mag. Manfred Essletzbichler  |                 |                   | Telephone:                    |
| E-mail: manfred.essletzbichler@wolftheiss.com   |                 |                   | Fax:                          |
| Internet address(es)<br>Main address: (URL) <a href="http://www.wienkav.at">www.wienkav.at</a><br>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.4) TYPE OF THE CONTRACTING AUTHORITY**☐ Ministry or any other national or federal authority, including their regional or local subdivisions☐ National or federal agency/office☒ Regional or local authority☐ Regional or local agency/office☐ Body governed by public law☐ European institution/agency or international organisation☐ Other:**I.5) MAIN ACTIVITY**☐ General public services☐ Defence☐ Public order and safety☐ Environment☐ Economic and financial affairs☒ Health☐ Housing and community amenities☐ Social protection☐ Recreation, culture and religion☐ Education☐ Other activity:

## **II.1) Scope of the procurement**

|  |  |
|--|--|
| <b>II.1.1) Title:</b> Rahmenvertrag Reinvestition und Vollwartung für das automatische Transportsystem (ATS) des sozialmedizinischen Zentrums Ost (SZO)  | <b>Reference number:</b> VIE-KAV/GZDO-SW |
| <b>II.1.2) Main CPV-Code:</b> 42418500 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> Abschluss eines Rahmenvertrags betreffend Reinvestition und Vollwartung für das automatische Transportsystem (ATS) des sozialmedizinischen Zentrums Ost (SZO)  |  |
| <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>  |  |
| Value: [16244602,64] (Please give the total value of the procurement. For information about individual contracts, please use section V)<br>or<br>Lowest offer: [ ] / Highest offer:[ ] taken into consideration<br>Currency: EUR<br>(for framework agreements – total maximum value for their entire duration)<br>(for dynamic purchasing systems – value of contract(s) not included in previous contract award notices)<br>(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><br><b>Main CPV code:</b> [ ] Supplementary CPV-Code: [ ]<br><b>Main CPV code:</b> [ ] Supplementary CPV-Code: [ ]<br><b>Main CPV code:</b> [ ] Supplementary CPV-Code: [ ]<br><b>Main CPV code:</b> [ ] Supplementary CPV-Code: [ ] |  |
| <b>Place of performance</b><br>NUTS code: AT13<br><br>Main site or place of performance: Wien   |  |
| <b>II.2.4) Description of the procurement:</b> Abschluss eines Rahmenvertrags betreffend Reinvestition und Vollwartung für das automatische Transportsystem (ATS) des sozialmedizinischen Zentrums Ost (SZO)<br>(nature and quantity of works, supplies or services or indication of needs and requirements)  |  |
| <b>II.2.5) Award criteria</b>   |  |
| <input type="checkbox"/> Quality criterion<br><br><input type="radio"/> Cost criterion<br><input checked="" type="radio"/> Price<br>Price – Weighting:  |  |
| <b>II.2.11) Information about options</b>   |  |
| <input checked="" type="checkbox"/> Options:<br>Description of options: Optionen laut Vertrag (ua erweiterte Betriebsführung, zusätzliche Fahrzeuge, Vertragsverlängerung)  |  |
| <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

#### IV.1.1) Type of procedure

- ☐ Open procedure
  - ☐ Accelerated procedure:  
Justification:
- ☐ Restricted procedure
  - ☐ Accelerated procedure:  
Justification:
- ☐ Competitive procedure with negotiation
  - ☐ Accelerated procedure:  
Justification:
- ☐ Competitive dialogue
- ☐ Innovation partnership
- ☒ 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 D1)

#### IV.1.3) Information about a framework agreement or a dynamic purchasing system

- ☐ The procurement involves the establishment of a framework agreement
- ☐ A dynamic purchasing system was set up

#### IV.1.6) Information about electronic auction

- ☐ An electronic auction has been used

#### IV.1.8) Information about the Government Procurement Agreement (GPA)

The procurement is covered by the Government Procurement Agreement ☒ yes ☐ no

#### IV.2) Administrative information

#### IV.2.1) Previous publication concerning this procedure

Notice number in the OJ S: [ ][ ]/[S][ ][ ]-[ ][ ][ ][ ][ ][ ][ ][ ]

(One of the following: Prior information notice used as a call for competition; Contract notice; Voluntary ex ante transparency notice)

#### IV.2.8) Information about termination of dynamic purchasing system

- ☐ An electronic auction has been used:

**IV.2.9) Information about termination of call for competition in the form of a prior information notice**

- ☐ The contracting authority will not award any further contracts based on the above prior information notice

## SECTION V: AWARD OF CONTRACT

**Contract No:[1] Lot No:[ ] Title: Rahmenvertrag Reinvestition und Vollwartung für das automatische Transportsystem (ATS) des sozialmedizinischen Zentrums Ost (SZO)**

A contract/lot is awarded ☒ yes ☐ no

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

The contract/lot is not awarded

- ☐ No tenders or requests to participate were received or all were rejected
- ☐ Other reasons (discontinuation of procedure)

Notice reference: [ ] [ ] [ ]-[ ] [ ] [ ] [ ] [ ] (year and document number)

#### V.2) Award of contract

**Date of conclusion of the contract:** 30/01/2020 (dd/mm/yyyy)

Number of tenders received: [1]

Number of tenders received from SMEs: [1] (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 ☐ yes ☒ no

#### V.2.3) Name and address of the contractor

Official name: Ing. Sumetzberger GmbH

National registration number:

Postal address: Leberstraße 108

Town: Wien

NUTS code: AT13

Postal code: 1110

Country: Austria

E-mail:

Telephone:

Internet address:(URL)

Fax:

The contractor is an SME ☒ yes ☐ no

#### V.2.4) Information on value of the contract/lot (excluding VAT)

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: [16244602,64]

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)

#### V.2.5) Information about subcontracting

☒ Value or proportion likely to be subcontracted to third parties:

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: Software-/Programmierleistungen

### SECTION VI: COMPLEMENTARY INFORMATION

#### VI.3) Additional information

**VI.4) Procedures for review**

|   |                   |                  |
|---|-------------------|------------------|
| <b>VI.4.1) Review body</b>  |                   |                  |
| Official name: Verwaltungsgericht Wien  |                   |                  |
| Postal address: Muthgasse 62  |                   |                  |
| Town: Wien  | Postal code: 1190 | Country: Austria |
| E-mail:   | Telephone:        |                  |
| Internet-Address:(URL)  | Fax:              |                  |
| <b>VI.4.2) Body responsible for mediation procedures</b>  |                   |                  |
| Official name: Wiener Schlichtungsstelle für Vergabeangelegenheiten   |                   |                  |
| Postal address: Wipplingerstraße 6-8  |                   |                  |
| Town: Wien  | Postal code: 1010 | Country: Austria |
| E-mail:   | Telephone:        |                  |
| Internet-Address:(URL)  | Fax:              |                  |
| <b>VI.4.3) Review procedure</b>   |                   |                  |
| Precise information on deadline(s) for review procedures: siehe §§ 24 und 36 Wiener Vergaberechtsschutzgesetz |                   |                  |
| <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) (dd/mm/yyyy) 06/02/2020**

**Annex D1 – General procurement**

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

Directive 2014/24/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 32 of Directive 2014/24/EU**

☐ No tenders or no suitable tenders/requests to participate in response to:

☐ **open procedure**

☐ **restricted procedure**

☐ The products involved are manufactured purely for the purpose of research, experiment, study or development under the conditions stated in the directive (for supplies only):

☒ 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 authority 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**

☒ **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**

Der Auftrag betrifft zusätzliche Lieferungen zur Erneuerung bzw teilweisen Erweiterung bereits erfolgter Lieferungen des ursprünglichen Lieferanten (ursprünglicher Anlagenlieferant und -errichter). Die Verwendung bzw der Ankauf von Waren eines Dritten würde darin resultieren, dass Waren mit unterschiedlichen technischen Merkmalen eingesetzt werden müssten, was technische Unvereinbarkeiten und/oder unverhältnismäßige technische Schwierigkeiten bei Gebrauch und Wartung mit sich bringen würde (Inkompatibilität zwischen anderen Transportfahrzeugen bzw neuen Transportfahrzeugen und zentraler Steuerung, hohes Fehlerpotential etc; ein Austausch würde faktisch eine Neuprogrammierung/Wechsel des gesamten Systems bedeuten). Weiters besteht urheberrechtlicher Schutz hinsichtlich der (Steuerungs-)Software, weshalb auch ausschließliche Rechte iSd § 36 Abs 1 Z 3 lit b BVergG vorliegen.