

Denmark-Copenhagen: Security, fire-fighting, police and defence equipment

OJ S 28/2022 09/02/2022

Contract notice

Supplies

Directive 2009/81/EC

Section I: Contracting authority/entity

I.1. Name and addresses

Official name: The Danish National Police

National registration number: 17143611

Postal address: Polititorvet 14

Town: København V

Postal code: 1780

Country: Denmark

For the attention of: Laura Tengler, Kammeradvokaten

E-mail: ltten@kammeradvokaten.dk

Internet address(es):

General address of the contracting authority/entity: <https://politi.dk/>

Electronic access to information: http://eu.eu-supply.com/app/rfq/rwlentrance_s.asp?PID=323126&B=KA

Electronic submission of tenders and requests to participate: http://eu.eu-supply.com/app/rfq/rwlentrance_s.asp?PID=323126&B=KA

Additional information can be obtained from:

the abovementioned address

Specifications and additional documents (including documents for competitive dialogue and a dynamic purchasing system) can be obtained from:

the abovementioned address

Tenders or requests to participate must be submitted: the abovementioned address

I.2. Type of the contracting authority

Ministry or any other national or federal authority, including their regional or local subdivisions

I.3. Main activity

Public order and safety

I.4. Contract award on behalf of other contracting authorities/entities

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

Carbine (5.56mm) for the Danish Police

II.1.2. Type of contract and place of performance or delivery

Supplies

Purchase

Main site or place of performance: København V

NUTS code DK Danmark

II.1.3. Information about framework agreement

The procurement involves the establishment of a framework agreement

II.1.4. Information about framework agreement

Framework agreement with a single operator

Duration of the framework agreement

Duration in years: 20

Justification for a framework agreement, the duration of which exceeds seven years: A carbine has an estimated lifetime of 20 years, and an implementation period of approximately 4-5 years.

Due to the technical difficulties of switching supplier and the large financial costs of replacing the weapon system, the Danish National Police therefore finds it justified to enter into an agreement for a period of up to 20 years.

Estimated total value of purchases for the entire duration of the framework agreement

Estimated value excluding VAT: 190 000 000,00 DKK

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

The Danish National Police has a need for a new 5.56mm semi-automatic carbine replacing its legacy 9mm SMG and 5.56mm carbine. With this tender, the Danish National Police will acquire a turnkey MOTS solution comprising a 5.56mm carbine (AR15 type - either direct impingement or piston driven) along with all associated replacement parts, services and accessories, e.g. weapon sights, weapon lights, sling, magazines, suppressor etc.

The Danish National Police expects to enter into a framework agreement with a total of up to 10 + 5 + 5 years' duration. The framework agreement will comprise a procurement of app. 3,000 ea. carbines, replacing all legacy 9mm SMG's and 5.56mm carbines within a 4-5 year timeframe. An initial order of 1,000 ea. carbines upon contract signature, and an implementation of up to app. 1,000 ea. carbines per year thereafter is expected until the expected total quantity has been delivered.

II.1.6. CPV code(s)

35000000 Security, fire-fighting, police and defence equipment, 35200000 Police equipment, 35300000 Weapons, ammunition and associated parts, 35320000 Firearms, 35321200 Rifles, 35340000 Parts of firearms and ammunition

II.1.7. Information about subcontracting

II.1.8. Lots

This contract is divided into lots: no

II.1.9. Information about variants

Variants will be accepted: no

II.2. Scope of the procurement

II.2.1. Total quantity or scope

Estimated value excluding VAT: 190 000 000,00 DKK

II.2.2. Information about options

Options: yes

Description of options: The Danish National Police has the option to extend the Framework Agreement on the same terms 2 times for up to 5 years each time with a notice of 60 days before expiry, resulting in a total duration of maximum 20 years.

II.2.3. Information about renewals

This contract is subject to renewal: no

II.3. Duration of the contract or time limit for completion

Section III: Legal, economic, financial and technical information

III.1. Conditions related to the contract

III.1.1. Deposits and guarantees required

If advance payments are made, an on-demand guarantee from a recognized financial institution must be presented. The financial institution has to be approved by the Danish National Police.

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

Reference is made to the procurement documents regarding payment terms. Invoicing must be done in accordance with the applicable Danish legislation on public payments. At present, this is Danish consolidation act. no. 798 of June 2007 which requires invoicing to be done electronically. Exact terms will be stated in the contract.

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

No particular legal form is required. If the contract is awarded to a group of suppliers (e.g. a consortium), the participants are required to undertake joint and several liabilities and to appoint one supplier to represent the group.

III.1.4. Other particular conditions to which the performance of the contract is subject, in particular with regard to security of supply and security of information

The framework agreement must be conducted in consideration of corporate social responsibility (CSR) as expressed in the OECD Guidelines for Multinational Enterprises and further it contains a labour clause which will be further specified in the contract.

III.1.5. Information about security clearance

III.2. Conditions for participation

III.2.1. Personal situation

Criteria regarding the personal situation of economic operators (that may lead to their exclusion) including requirements relating to enrolment on professional or trade registers

List and brief description of conditions: When submitting the offer (but not the request for participation/pre-qualification), the tenderer (candidate) must submit a declaration stating that the tenderer (1) is not subject to any of the reasons for exclusion stated in art. 39(1) of the Defence and Security Directive (2009/81/EC) and (2) to which degree the tenderer has unpaid overdue debt in relation to tax, duties or social security contributions under Danish law or under the law of the country in which the tenderer is established. A template for the declaration will be provided with the procurement documents, and the tenderer is encouraged – but not obliged - to use it. If the tenderer is composed of a group of entities (e.g. consortium), including temporary joint ventures, a declaration must be submitted for each participating entity.

Be advised that the Danish National Police shall exclude a tenderer which has unpaid overdue debt of DKK 100,000 or more to public authorities in relation to tax, duties or social security

contributions under Danish law or under the law of the country in which the tenderer is established, unless the tenderer has provided collateral for the overdue debt, will provide collateral for the overdue debt or has entered into an installment agreement, which has not been breached at the time of submitting the offer. Exclusion is pursuant to the reasons for exclusion in the Defence and Security Directive, art. 39(2), paras f and g.

However, the Danish National Police may not exclude a tenderer which has provided sufficient documentation that the tenderer is reliable. The Danish National Police will decide whether the documentation is sufficient, hence the tenderer is considered reliable, based on guidelines equal to the guidelines provided for in Section 138(1-4) of the Danish Act no. 1564 of 15.12.2015 – The Public Procurement Act.

III.2.2. Economic and financial ability

Criteria regarding the economic and financial standing of economic operators (that may lead to their exclusion)

List and brief description of conditions: Annual reports or excerpts hereof or other documentation stating the candidate's equity ratio (calculated by dividing the candidate's equity with the candidate's total assets (equity/total assets x 100) at the end of the last 3 (three) financial years, to the extent such information is available or a statement regarding the operator's equity and assets in the last 3 (three) financial years, depending on when the operator was established if the equity and assets figures are available.

For groups of operators (e.g. a consortium), the information must be submitted for each participating operator in the group. Where an operator relies on the economic and financial capacity of other entities (e.g. a parent company, a sister company or a subsupplier), information for such other entities must be provided as well.

Minimum level(s) of standards possibly required: The candidate must have had an equity ratio of at least 15 % in each of the last 3 (three) financial years. The equity ratio is calculated by dividing the candidate's equity with the candidate's total assets (equity/total assets x 100).

If the candidate is composed of a group of entities (e.g. consortium), including temporary joint ventures, the equity ratio is calculated by dividing the sum of all the participants' equities with the sum of all the participants' total assets (sum of equity/sum of total assets x 100) in each of the last 3 (three) financial years available.

If the candidate relies on the economic and financial standing of an entity or entities, the equity ratio is calculated by dividing the sum of the candidate's and the entity or entities' equity with the sum of the candidate's and the entity or entities' total assets (sum of equity/sum of total assets x 100) in each of the last 3 (three) financial years available.

Please note that a candidate may rely on the economic and financial standing of other entities (e.g. a parent or sister company or a sub supplier), irrespective of the legal nature of the relations between the candidate and the entity or entities on which the candidate relies.

III.2.3. Technical and/or professional capacity

Criteria regarding the technical and/or professional ability of economic operators (that may lead to their exclusion)

List and brief description of conditions:

A list of the most important similar deliveries (references), cf. section II.1.5), carried out within the past 5 (five) years prior to the deadline for the request to participate.

Only the deliveries (references) performed at the time of the deadline for the request to participate will be considered when assessing if the minimum requirement for suitability stated below is fulfilled/which candidate has documented the most relevant previous deliveries, cf. section IV.1.2). If the delivery in question is ongoing, it is only the part of the supplies carried out within the past 5 (five) years and completed at the time of the deadline for the request to

participate which will be included in the assessment of the delivery (reference). Consequently, if a part of the supplies has not been carried out within the past 5 (five) years or if a part of the supplies has not been completed at the time of the deadline for the request to participate, this particular part will not be included in the assessment of the delivery (reference). Therefore, it is important that the tenderer clearly states which part (e.g. with regard to size, value, quantity or volume) of an ongoing delivery (reference) that has been carried out within the past 5 (five) years.

The list should preferably include a short description of each delivery. The description of the deliveries should include a clear indication of which specific parts the deliveries are similar to the supplies, described in section II.1.5. The description should also include a description of the candidate's participation/role in the performance of the deliveries. The description should also contain information on the date of the deliveries, the quantity/volume and value of the deliveries, weapon accessories (e.g. weapon sights, weapon lights, sling, magazines, suppressors etc.) the recipients of the deliveries (specific names/country/region/continent are preferred, but not mandatory; However, the candidate is asked to provide as much generic information as possible about the delivery as any ambiguities and/or incomprehensibilities in the information submitted may be regarded negatively in the evaluation when selecting the limited numbers of candidates). When specifying the date of the deliveries, the candidate should state the date for the commencement and completion of the deliveries. If this is not possible, e.g. because the delivery in question is performed on an ongoing basis according to a framework agreement, the description of the deliveries should nonetheless contain information on how the date is set.

The list must contain a maximum of 5 (five) previous deliveries, whether the candidate is one entity, composed of a group of entities (e.g. consortium), including temporary joint ventures, or relies on the technical and professional capacity of other entities. If the list contains more than 5 (five) previous deliveries, the Danish National Police will only consider the first 5 (five) deliveries on the list. Deliveries beyond that will be disregarded.

Please note that a candidate may rely on the technical and professional capacity of other entities (e.g. a parent or sister company or a sub supplier), irrespective of the legal nature of the relations between the candidate and the entity or entities on which the candidate relies.

Minimum level(s) of standards possibly required

The candidate must as a minimum requirement demonstrate experience with delivering a 5.56 mm carbine of the type AR15 (either direct impingement or piston driven).

In addition, the candidate must as a minimum requirement demonstrate experience with delivery of weapon accessories, e.g. weapon sights, weapon lights, sling, magazines, suppressors etc.

III.2.4. Information about reserved contracts

III.3. Conditions specific to services contracts

III.3.1. Information about a particular profession

Execution of the service is reserved to a particular profession: no

III.3.2. Information about staff responsible for the performance of the contract

Obligation to indicate the names and professional qualifications of the staff assigned to performing the contract: no

Section IV: Procedure

IV.1. Type of procedure

IV.1.1. Type of procedure

Negotiated

IV.1.2. Information about the limits on the number of candidates to be invited

Envisaged number of candidates 5

Objective criteria for choosing the limited number of candidates: The limitation of candidates will be based on an overall evaluation of which candidates have documented the most relevant previous deliveries in comparison to the contract/purchases described in section II.1.5) above. In the evaluation, the Danish National Police will take into account the nature and quantity of the previous deliveries. It will be regarded positively in the assessment the more the candidate can demonstrate experience with deliveries from the same manufacturer to customers /recipients similar to the Danish National Police.

The evaluation will be based on the list of references submitted by the candidates according to section III.2.3). Please note that any ambiguities and/or incomprehensibilities in the information submitted may be regarded negatively in the evaluation when selecting the limited numbers of candidates.

IV.1.3. Information about reduction of the number of solutions or tenders during negotiation or dialogue

Recourse to staged procedure to gradually reduce the number of solutions to be discussed or tenders to be negotiated no

IV.2. Award criteria

IV.2.1. Award criteria

The most economically advantageous tender in terms of Price is not the only award criterion and all criteria are stated only in the procurement documents

IV.2.2. Information about electronic auction

An electronic auction has been used: no

IV.3. Administrative information

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

IV.3.2. Previous publication concerning this procedure

no

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

8.3.2022 - 13:00

IV.3.5. Estimated date of dispatch of invitations to tender or to participate to selected candidates

IV.3.6. Languages in which tenders or requests to participate may be submitted

Danish. English.

Section VI: Complementary information

VI.1. Information about recurrence

This is a recurrent procurement: no

VI.2. Information about European Union funds

The procurement is related to a project and/or programme financed by European Union funds:
no

VI.3. Additional information

As regards sections II.1.4) and II.2.2), it should be noted that the amount stated is an estimate of the total estimated value of the deliverables in the total duration of the framework agreement (including options). The estimated value of the framework agreement is DKK 190,000,000. However, there is an uncertainty regarding the final value of the framework agreement caused by the uncertainty regarding the Danish National Police's operational needs through the duration of the framework agreement, which is not possible to foresee for the entire span of the framework agreement.

The duration of the framework agreement stated in section II.1.4) is the maximum length possible of the framework agreement including options as stated in section II.2.2).

This tender is conducted according to the negotiated procedure, cf. directive 2009/81/EC, article 26. The candidates who will be invited to submit tenders will receive further practical information regarding the negotiated procedure in the Instructions to Tenderers.

Candidates are expressly made aware that the Danish National Police reserves the right to regard the INDO as a best and final offer (BAFO) and to close the tender procedure and award the Contract on the basis of the submitted INDO, i.e. without conducting any negotiations. Please note, that each candidate can only submit one request for participation. If the same legal entity is a part of or in any other way participates in several applications, e.g. submits his own application and at the same time participates in a consortium which also applies, the candidates shall ensure that the same legal entity's participation does not provide for opportunity for mutual coordination of their applications and offers. The Danish National Police reserves the right to request the candidates to establish and reassure the Danish National Police that the same legal entity's participation does not threaten the transparency and distort competition between the tenderers.

The Danish National Police reserves the right – but is not obliged – to use remedies equal to the remedies provided for in Section 159(5) of the Danish Act no. 1564 of 15.12.2015, the Public Procurement Act, if applications or tenders do not fulfil the formalities of the procurement documents.

The Danish National Police demands that the candidate and each of the legal entities whose economic and financial capacities the candidate relies on undertake joint and several liability for the performance of the contract.

Candidates are asked to submit their request to participate via the electronic tendering system used by the National Danish Police. For access to the procurement documents, the candidate must be registered or register as a user. The permalink is stated in section I.1). The request to participate cannot be submitted by e-mail.

The Danish National Police has prepared a prequalification questionnaire which candidates are strongly encouraged to use when submitting their applications. The questionnaire contains questions, forms and templates for providing information etc. in accordance with the requirements in this Contract Notice. However, it is emphasized that it is the sole responsibility of the candidate that the information provided fulfils the requirements. The questionnaire is available via the electronic tendering system.

According to the EU defence directive, a candidate may rely on the economic and financial standing and/or technical and/or professional capacity of other entities, regardless of the legal nature of the links with the entities. If a candidate wants to rely on other entities and wishes that the capacity of other entities is taken into account when the Danish National Police assesses the suitability of the candidate, the candidate must prove that the other entities will

and shall put the relevant resources at the disposal of the candidate. A template for a declaration from the supporting entity to this effect is included in the prequalification questionnaire referred to above.

The Agreement is entered into by the Danish National Police. However, all divisions of the Danish police are entitled to use the Agreement.

All communication in connection with the tender procedure, including questions and answers, must take place through the electronic tendering system. Questions must be submitted not later than Tuesday 22 February 2022. Questions asked after this date will be answered if they are received in time for the contracting entity to provide the information required and communicate the answers not later than six days before expiry of the application deadline. Questions received later than six days before expiry of the deadline cannot expect to be answered unless the deadline is also postponed.

Interested operators are requested to keep updated via the electronic tendering system. If the candidate encounters problems with the system, please contact support by e-mail, dkssupport@eu-supply.com, or telephone (+45) 70 20 80 14.

VI.4. Procedures for review

VI.4.1. Review body

Official name: Klagenævnet for Udbud

National registration number: N/A

Postal address: Nævnenes Hus, Toldboden 2

Town: Viborg

Postal code: 8800

Country: Denmark

E-mail: klfu@erst.dk

Telephone: +45 35291000

Internet address: <http://www.klfu.dk>

VI.4.2. Review procedure

Precise information on deadline(s) for review procedures: Pursuant to the Danish Consolidation Act no. 593 of 2 June 2016 on the Complaints Board for Public Procurement (available at www.retsinformation.dk), the following time limits for filing a complaint apply: Complaints regarding a candidate not being pre-qualified must be filed with The Complaints Board for Public Procurement within 20 calendar days starting the day after the contracting authority has sent notification to the candidates involved, cf. § 7(1) of the Act on the Complaints Board for Public Procurement, provided that the notification includes an account of the reasons for the decision.

Other complaints must in accordance with § 7(2) of the Act on the Complaints Board for Public Procurement be filed with The Complaints Board for Public Procurement within:

1) 45 calendar days after the contracting authority has published a contract award notice in the Official Journal of the European Union. The time limit is calculated from the day after the publication date.

2) 30 calendar days starting the day after the contracting authority has notified the candidates in question, that the contracting authority has entered into a contract based on a framework agreement through reopening of competition or a dynamic purchasing system, provided that the notification includes an account of the reasons for the decision.

3) 6 months after the contracting authority has entered into the framework agreement starting the day after the contracting authority has sent notification to the candidates and candidates involved, cf. § 2(2).

The complainant must inform the contracting authority of the complaint in writing at the latest

simultaneously with the lodge of the complaint to The Complaints Board for Public Procurement stating whether the complaint has been lodged in the stand-still period, cf. § 6(4) of the Act on The Complaints Board for Public Procurement. If the complaint has not been lodged in the stand-still period, the complainant must also state whether it is requested that the appeal is granted delaying effect, cf. § 12(1).

Contact information for The Complaints Board for Public Procurement is stated in section VI.4.1).

The Complaints Board for Public Procurement's own guidance note concerning complaints is available on the website stated in section VI.4.1).

VI.4.3. Service from which information about the review procedure may be obtained

Official name: Konkurrence- og Forbrugerstyrelsen (The Danish Competition and Consumer Authority)

National registration number: N/A

Postal address: Carl Jacobsens Vej 35

Town: Valby

Postal code: 2500

Country: Denmark

E-mail: kfst@kfst.dk

Telephone: +45 41715000

Internet address: <http://www.kfst.dk>

VI.5. Date of dispatch of this notice

4.2.2022