

**Denmark-Ballerup: Security, fire-fighting, police and defence equipment**

OJ S 37/2020 21/02/2020

Contract notice

Supplies

**Legal Basis:**

Directive 2014/24/EU

**Section I: Contracting authority**

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**I.1. Name and addresses**

Official name: Danish Defence Acquisition and Logistics Organizations

National registration number: 16-28-71-80

Postal address: Lautrupbjerg 1-5

Town: Ballerup

NUTS code: DK Danmark

Postal code: 2750

Country: Denmark

Contact person: Thomas Dam Jensen

E-mail: [fmi-id-sla04@mil.dk](mailto:fmi-id-sla04@mil.dk)

Telephone: +45 72814194

**Internet address(es):**Main address: <https://www.ethics.dk/ethics/eo#/ef9dfab4-0e60-47c1-b6a3-393228c8ba88/homepage>**I.2. Information about joint procurement**

The contract is awarded by a central purchasing body

**I.3. Communication**The procurement documents are available for unrestricted and full direct access, free of charge, at: <https://www.ethics.dk/ethics/eo#/ef9dfab4-0e60-47c1-b6a3-393228c8ba88/publicMaterial>

Additional information can be obtained from the abovementioned address

Tenders or requests to participate must be submitted electronically via: <https://www.ethics.dk/ethics/eo#/ef9dfab4-0e60-47c1-b6a3-393228c8ba88/homepage>

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

Electronic communication requires the use of tools and devices that are not generally available. Unrestricted and full direct access to these tools and devices is possible, free of charge, at: <https://www.ethics.dk/ethics/eo#/ef9dfab4-0e60-47c1-b6a3-393228c8ba88/homepage>**I.4. Type of the contracting authority**

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

**I.5. Main activity**

Defence

**Section II: Object**

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

**II.1.1. Title**

40 mm Salute Ammunition

**II.1.2. Main CPV code**

35000000 Security, fire-fighting, police and defence equipment

**II.1.3. Type of contract**

Supplies

**II.1.4. Short description**

The Danish Defence is tendering a framework agreement for 40 mm salute ammunition.

**II.1.5. Estimated total value**

Value excluding VAT: 6 000 000,00 DKK

**II.1.6. Information about lots**

This contract is divided into lots: no

**II.2. Description****II.2.2. Additional CPV code(s)**

35331200 Shells, 35331300 Grenades

**II.2.3. Place of performance**

NUTS code: DK Danmark

**II.2.4. Description of the procurement**

The tender consists of 40 mm salute ammunition. The salute ammunition is used for daily salute as well as other occasions. The salute ammunition will be used with cannons placed on land and cannons which are mounted on a ship. DALO will procure an initial purchase of 2 000 EA 40 mm salute ammunition.

**II.2.5. Award criteria**

Criteria below

Price

**II.2.6. Estimated value**

Value excluding VAT: 6 000 000,00 DKK

**II.2.7. Duration of the contract, framework agreement or dynamic purchasing system**

Duration in months: 48

This contract is subject to renewal: no

**II.2.10. Information about variants**

Variants will be accepted: no

**II.2.11. Information about options**

Options: no

**II.2.13. Information about European Union funds**

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

**II.2.14. Additional information****Section III: Legal, economic, financial and technical information**

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### **III.1. Conditions for participation**

#### **III.1.2. Economic and financial standing**

List and brief description of selection criteria:

The tenderer must use the European Single Procurement Document (electronic version, hereafter ESPD -) and provide the following information in the ESPD: Its equity ratio (calculated by dividing the tenderer's equity with the tenderer's total assets (equity/ total assets x 100)) at the end of the last 3 financial years, to the extent such information is available, cf. Part IV, section B. Upon request from DALO the tenderer must submit the following documentation: annual reports or excerpts hereof or other documentation stating the tenderer's equity ratio (calculated by dividing the tenderer's equity with the tenderer's total assets (equity/total assets x 100)) at the end of the last 3 financial years, to the extent such information is available. When groups of entities (e.g. consortiums), including temporary joint ventures, participate in the tender procedure together, the documentation must be provided for each of the participating entities. If the tenderer relies on the economic and financial standing of another entity or entities (e.g. a parent or sister company or a sub supplier), the documentation must equally be provided for each entity or entities. Be advised that DALO at any time during the procurement procedure can request that the tenderer presents the above mentioned documentation if this is deemed necessary to secure that the procurement procedure is conducted correctly. In this situation, DALO will set an appropriate time limit for the submission of the documentation. Please note that a tenderer 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 tenderer and the entity or entities on which the tenderer relies. In this case, the tenderer shall ensure that an ESPD from the entity or entities on which the tenderer relies is submitted along with the tenderers own ESPD. The entity or entities' ESPD must equally provide the information listed above.

Minimum level(s) of standards possibly required:

The tenderer must have had a positive equity ratio for each of the last 3 financial years. The equity ratio is calculated by dividing the candidate's/tenderer's equity with the tenderers total assets (equity/total assets x 100). If the tenderer 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 financial years available. If the tenderer relies on the economic and financial standing of an entity or entities, the equity ratio is calculated by dividing the sum of the tenderer's and the entity or entities' equity with the sum of the tenderer's and the entity or entities' total assets (sum of equity/sum of total assets x 100) in each of the last 3 financial years available.

#### **III.1.3. Technical and professional ability**

List and brief description of selection criteria:

The tenderer must use the European Single Procurement Document (electronic version, hereafter ESPD) and provide the following information in the ESPD: A list of the most important similar deliveries (references), of 40 mm Salute Ammunition cf. Section II.1.4) and II. 2.4), carried out within the past 5 years, prior to the deadline for the request to submission of the offer, cf. Part IV, Section C. The list should preferably include a short description of each delivery of 40 mm Salute Ammunition. The description should include a clear indication of which specific parts of the deliveries that are similar to the supplies as described in Section II. 1.4) and II.2.4). The description should also include a description of the tenderers participation /role in the performance of the deliveries. The description should contain information on the date of the deliveries, the size/quantity/volume and value of the deliveries, the recipients of the

deliveries (specific names/countries are preferred, but not necessary; if no country specific information is included, the tenderer is asked to provide as much generic information as possible about the delivery). When specifying the date for the deliveries, the tenderer should state the date of commencement and completion. 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. Only the deliveries of 40 mm Salute Ammunition (references) performed at the time of the deadline for the request to submission of the offer will be considered when assessing if the minimum requirement for suitability stated below is fulfilled. If the delivery in question is ongoing, it is only the part of the supplies carried out within the past 5 years and completed at the time of the deadline for the request to submission of the offer 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 years, or if a part of the supplies has not been completed at the time of the deadline for the request to submission of the offer, this particular part will not be included in the assessment of the delivery (reference). Therefore, it is important that the candidate/tenderer clearly states which part (e.g. with regards to size, value, quantity or volume etc.) of an ongoing delivery (reference) that has been carried out within the past 5 years. A tenderer 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 tenderer and the entity or entities on which the tenderer relies. In this case, the tenderer shall ensure that an ESPD from the entity or entities on which the tenderer relies is submitted along with the tenderers own ESPD. The entity or entities' ESPD must equally provide the information listed above. The tenderer will not be required to present further documentation for the technical and professional capacity (i.e. the information stated in the ESPD is considered sufficient). However, DALO reserves the right to contact the tenderer and /or the recipients of the deliveries in order to verify the information stated in Part IV, Section C in the ESPD, including details on the specified dates of the performance of the deliveries.

Minimum level(s) of standards possibly required:

The tenderer must demonstrate experience with as a minimum 1 similar delivery of 200 EA or more, of 40 mm salute ammunition, within the past 5 years, prior to the deadline for the request to submission of the offer.

### **III.2. Conditions related to the contract**

#### **III.2.2. Contract performance conditions**

Reference is made to the tender 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 electronic invoicing. Exact terms are stated in the contract. No particular legal form is required. If the contract is awarded to a group of suppliers (e.g. a consortium), the participants shall undertake joint and several liabilities and to appoint one supplier to represent the group. The contract/framework agreement must be conducted in consideration of corporate social responsibility (CSR) and it contains a labour clause, please see Appendix B (Labour Clause and CSR) for further information.

## **Section IV: Procedure**

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### **IV.1. Description**

#### **IV.1.1. Type of procedure**

Open procedure

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

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

The procurement is covered by the Government Procurement Agreement: yes

#### **IV.2. Administrative information**

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

Notice number in the OJ S: [2018/S 216-493484](#)

##### **IV.2.2. Time limit for receipt of tenders or requests to participate**

Date: 20/04/2020 Local time: 13:00

##### **IV.2.3. Estimated date of dispatch of invitations to tender or to participate to selected candidates**

##### **IV.2.4. Languages in which tenders or requests to participate may be submitted**

English, Danish

##### **IV.2.6. Minimum time frame during which the tenderer must maintain the tender**

Duration in months: 6 (from the date stated for receipt of tender)

##### **IV.2.7. Conditions for opening of tenders**

Date: 20/04/2020 Local time: 13:00

#### **Section VI: Complementary information**

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##### **VI.1. Information about recurrence**

This is a recurrent procurement: yes

Estimated timing for further notices to be published:  
2024

##### **VI.3. Additional information**

Regarding Section II.1.5): The estimated value of the framework agreement is 4 000 000-6 000 000 DKK. The reason for the interval stated is the uncertainty regarding the actual value of the framework agreement. Hence, the lower limit of the interval constitutes DALO's most qualified estimate of the actual value of the framework agreement at the present moment, while the upper limit of the interval constitutes the expected maximum value of the framework agreement in its duration. The use of the ESPD is a precondition for participation in the procurement procedure, cf. § 148 of the Public Procurement Act. DALO shall require that the tenderer apply the ESPD as preliminary evidence that the tenderer is not subject to the grounds of exclusion stipulated in §§ 135 and 136 of the said Act, that the tenderer fulfils the minimum requirements for suitability fixed in accordance with § 140, cf. Section III.1.2) and III.1.3). The tenderer and, if relevant, the participants in the group of entities or/and entities on which the tenderer relies on, must use the electronic version of the ESPD available at ETHICS' web portal. The ESPD shall be fulfilled and submitted at ETHICS' web portal in accordance with the instructions given by ETHICS. Prior to decision on award of the contract, DALO shall require that the tenderer to whom DALO intends to award the contract presents documentation for the information stated in the ESPD, cf. §§ 151-155 of the said Act. If a candidate/tenderer relies on the capacity of other entities, cf. Section III.1.2) and III.1.3), the candidate/tenderer shall upon request provide statements of support or other documentation proving that the candidate/tenderer has access to the necessary economic and financial standing and/or technical and professional capacity, and that the entity referred to has a legal

obligation to the candidate/tenderer. If such documentation is not provided, DALO cannot consider the economic and financial standing and/or the technical and professional capacity of the other entity or entities. DALO has prepared a template to be used to confirm the legal obligation which is available at ETHICS. DALO strongly encourages the candidates/tenderers to use this form. However, it is emphasized that it is the sole responsibility of the candidate/tenderer that the information provided fulfils the requirements. DALO shall exclude a tenderer from participation in the procurement procedure, if the tenderer is subject to one of the compulsory grounds for exclusion in §§ 135 and 136 of the said Act unless the tenderer has provided sufficient documentation that the tenderer is reliable in accordance to § 138 of the said Act. Please note that certain voluntary exclusion grounds in Directive 2014/24/EU on public procurement have been made compulsory in § 136 of the said Act. If the same legal entity is a part of or in any other way participates in several offers, e.g. submits his own offer and at the same time participates in a consortium which also submits an offer, the tenderers shall ensure that the same legal entity's participation does not provide for opportunity for mutual coordination of their offers. DALO reserves the right to request the tenderers to establish and reassure DALO that the same legal entity's participation does not threaten the transparency and distort competition between the tenderers. DALO reserves the right – but is not obliged – to use the remedies provided for in Section 159(5) of the the Public Procurement Act if applications or offers do not fulfil the formalities of the tender documents.

#### **VI.4. Procedures for review**

##### **VI.4.1. Review body**

Official name: Klagenævnet for Udbud

Postal address: Toldboden 2

Town: Viborg

Postal code: 8800

Country: Denmark

E-mail: [klfu@naevneneshus.dk](mailto:klfu@naevneneshus.dk)

Telephone: +45 72405600

Internet address: <https://naevneneshus.dk/start-din-klage/klagenaevnet-for-udbud/>

##### **VI.4.3. Review procedure**

Precise information on deadline(s) for review procedures:

Pursuant to the Danish Consolidation Act No 593 of 2.6.2016 on the Complaints Board for Public Procurement (available at [www.retsinformation.dk](http://www.retsinformation.dk)), the following time limits for filing a complaint apply: Complaints regarding public procurement and decisions subject to Chapter II or III of the Public Procurement Act, which does not concern a candidate not being invited to tender, 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 tenderers 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/tenderers involved, cf. § 2(2) or § 171(4) of the Public Procurement Act, provided that the notification included an account of the reasons for the decision;

4) 20 calendar days starting the day after the contracting authority has published a notice concerning his decision to uphold the contract, cf. § 185(2) of the Public Procurement Act. 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.4.4. Service from which information about the review procedure may be obtained**

Official name: Konkurrence- og Forbrugerstyrelsen

Postal address: Carl Jacobsens Vej 35

Town: Valby

Postal code: 2500

Country: Denmark

E-mail: [kfst@kfst.dk](mailto:kfst@kfst.dk)

Telephone: +45 41715000

Internet address: [www.kfst.dk](http://www.kfst.dk)

**VI.5. Date of dispatch of this notice**

19/02/2020