

**Denmark-Ballerup: Security, fire-fighting, police and defence equipment**  
**OJ S 36/2023 20/02/2023**  
**Contract award notice for contracts in the field of defence and security**  
**Supplies**

**Directive 2009/81/EC**

**Section I: Contracting authority/entity**

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**I.1. Name and addresses**

Official name: Forsvarsministeriets Materiel- og Indkøbsstyrelse (FMI)

Postal address: Lautrupbjerg 1-5

Town: Ballerup

Postal code: 2750

Country: Denmark

Contact person: Thomas Dam Jensen

E-mail: [fmi-sd-alj04@mil.dk](mailto:fmi-sd-alj04@mil.dk)

Telephone: +45 72814194

**Internet address(es):**

General address of the contracting authority/entity: [www.fmi.dk](http://www.fmi.dk)

Electronic access to information: <https://www.ethics.dk/ethics/eo#/bd023a02-5441-43cb-8e25-24cc783872bc/homepage>

Electronic submission of tenders and requests to participate: <https://www.ethics.dk/ethics/eo#/bd023a02-5441-43cb-8e25-24cc783872bc/homepage>

**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**

Defence

**I.4. Contract award on behalf of other contracting authorities**

The contracting authority is purchasing on behalf of other contracting authorities: no

**Section II: Object of the contract**

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**II.1. Description**

**II.1.1. Title**

120mm Kampvogns Ammunition

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

Supplies

NUTS code DK Danmark

**II.1.3. Information about framework agreement**

**II.1.4. Short description of the contract or purchase(s)**

120mm Kampvogns Ammunition

**II.1.5. CPV code(s)**

35000000 Security, fire-fighting, police and defence equipment, 35300000 Weapons, ammunition and associated parts, 35330000 Ammunition, 35331000 Ammunition for firearms and warfare

## **II.2. Total value of the contract/lot**

### **II.2.1. Total value of the contract/lot**

## **Section IV: Procedure**

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### **IV.1. Type of procedure**

Negotiated without publication of a contract notice

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

Directive 2009/81/EC

1) Justification for the choice of the negotiated procedure without publication of a call for competition in accordance with Article 28 of Directive 2009/81/EC

The works, supplies or services can be provided only by a particular economic operator for the following reason: technical

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

FMI har behov for at indkøbe 120mm Kampvogns Ammunition. Det er FMI's vurdering, at aftalen kan indgås i henhold til forsvars- og sikkerhedsdirektivets artikel 28, stk. 1, litra e (dvs. efter proceduren udbud med forhandling uden forudgående offentliggørelse af en udbudsbekendtgørelse), da betingelserne om, at en kontrakt af tekniske grunde eller af årsager, der vedrører beskyttelsen af enerettigheder, kun kan tildeles til en bestemt økonomisk aktør, er opfyldte. Denne vurdering er baseret på, at Rheinmetall Waffe Munition GmbH er den eneste økonomiske aktør, der besidder den nødvendige knowhow og tekniske indsigt til at kunne producere 120mm Ammunition til anvendelse i Forsvarets Kampvogne. Anskaffelsen indeholder elementer af fortrolige oplysninger hvis videregivelse anses for værende i strid med Danmarks væsentlige sikkerhedsinteresser jf. hensynene i forsvarsdirektivets artikel 13, litra a. FMI kan derfor ikke oplyse yderligere omkring relevante fakta.

### **IV.2. Award criteria**

#### **IV.2.1. Award criteria**

#### **IV.2.2. Information about electronic auction**

### **IV.3. Administrative information**

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

#### **IV.3.2. Previous publication concerning this procedure**

no

## **Section V: Award of contract**

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### **V.1. Date of conclusion of the contract**

12.12.2022

## V.2. Information about tenders

Number of tenders received: 1

## V.3. Name and address of the contractor

Official name: Rheinmetall Waffe Munition GmbH

Postal address: Heinrich-Ehrhardt-Strasse 2

Town: Unterluess

Postal code: 29345

Country: Germany

## V.4. Information on value of the contract/lot

Initial estimated total value of the contract/lot:

Total value of the procurement:

Value: 26 098 245,00 EUR

## V.5. Information about subcontracting

## Section VI: Complementary information

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### VI.1. Information about European Union funds

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

### VI.2. Additional information

### VI.3. Procedures for review

#### VI.3.1. Review body

Official name: Klagenævnet for Udbud

Postal address: Toldboden 2

Town: Viborg

Postal code: 8800

Country: Denmark

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

Telephone: +45 72405600

Internet address: <https://naevneneshus.dk>

#### VI.3.2. Review procedure

Precise information on deadline(s) for review procedures: I henhold til klagenævnslovens § 7, stk. 2, (lovbekendtgørelse nr. 593 af 2. juni 2016 om Klagenævnet for Udbud, tilgængelig på [www.retsinformation.dk](http://www.retsinformation.dk)) skal klage indgives til Klagenævnet for Udbud inden følgende klagefrist :

45 kalenderdage efter at ordregiveren har offentliggjort en bekendtgørelse i Den Europæiske Unions Tidende om, at ordregiveren har indgået en kontrakt. Fristen regnes fra dagen efter den dag, hvor bekendtgørelsen er blevet offentliggjort.

Kontaktoplysning til Klagenævnet for Udbud er angivet i pkt. VI.3.1).

Klagenævnet for Udbuds egen vejledning om klager er tilgængelig på hjemmesiden angivet i pkt. VI.3.1).

#### VI.3.3. 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: <https://www.kfst.dk>

**VI.4. Date of dispatch of this notice**

15.2.2023