

**Denmark-Ballerup: Unmanned aerial vehicles**  
**OJ S 38/2023 22/02/2023**  
**Contract notice**  
**Supplies**

**Directive 2009/81/EC**

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**Section I: Contracting authority/entity**

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**I.1. Name and addresses**

Official name: Danish Ministry of Defence Acquisition and Logistics Organisation

Postal address: Lautrupbjerg 1-5

Town: Ballerup

Postal code: 2750

Country: Denmark

Contact person: Maria Flyvholm Jakobsen

E-mail: [fmi-sd-adt06@mil.dk](mailto:fmi-sd-adt06@mil.dk)

**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#/72ba78ee-90b3-418a-b68a-08d8c349182e/homepage>

Electronic submission of tenders and requests to participate: <https://www.ethics.dk/ethics/eo#/72ba78ee-90b3-418a-b68a-08d8c349182e/homepage>

**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**

Defence

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

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

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**Section II: Object of the contract**

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**II.1. Description**

**II.1.1. Title attributed to the contract by the contracting authority**

Acquisition of NATO Class 1, Small, Unmanned Aircraft Systems (UAS), including sustainment, support and training

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

Supplies

NUTS code DK0 Denmark

**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: 10

Justification for a framework agreement, the duration of which exceeds seven years: The reason for the duration exceeding 7 years is that DALO's operational need requires an agreement that corresponds with the life expectancy of the deliverables which is 10 years.

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

Estimated value excluding VAT: 750 000 000,00 DKK

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

The framework agreement covers the purchase of NATO Class I, Small, Unmanned Aircraft System (hereafter UAS) for the Danish MoD. An UAS consists of a minimum of three UAV, two Ground Control Stations (hereafter GCS), primary sensor package, Synthetic Aperture Radar (hereafter SAR), antenna and all necessary ground equipment (spare parts, fuel pumps, fuel scales, tools etc) as the main components.

The Unmanned Air Vehicle (hereafter UAV) must be a Vertical Take Off and Landing (hereafter VTOL) capability. In this acquisition VTOL shall mean a "Vertical Take Off and Landing" UAV without any system-required separate equipment such as launcher, landing net, landing wire, parachute or similar.

The UAS will be used in support of operations with primary tasks to include Intelligence, Surveillance and Reconnaissance as well as support to Artillery Call For Fire. The UAS are intended to be used in both national and international operations. Consequently, the UAS are intended to be frequently moved to locations where needed and they will be used for training purposes as well as in live operations throughout the UAS lifetime.

The individual UAV is primarily intended to be operated from a total of two trucks with ISO containers, making it possible for the operators to continually operate one UAV while moving the GCS(s) from which the UAV is operated. One UAS shall be able to be stored in two 10ft standard ISO containers.

The UAS shall be able to be deployed worldwide in a large variety of climatic and weather conditions and shall be designed and equipped to perform all tasks in a secure and safe manner.

While carrying and operating the primary payload (combined daylight and night sensor), the UAS shall comply with the following requirements:

- the UAV shall have an On-Station Time of at least 8 hours at a range of 90 kilometers.
- the UAV shall be a VTOL UAV and shall be able to take off and land within a boxed area of maximum 10x10x10 meters without any additional ground support equipment.
- The combined daylight and night sensor shall be able to acquire NATO NIIRS rating of minimum 8 for daylight sensor and NATO NIIRS rating of minimum 6 for the night sensor from distances where the UAV is inaudible.

The individual UAV shall be able to carry and operate a Synthetic Aperture Radar (hereafter SAR) and the primary payload at the same time.

The UAV shall be able to launch and land on a ship with pitch of minimum 3 degrees and the ship roll of minimum 3 degrees.

In one coherent mission the UAV shall be able to take off at a temperature of minus 10 degrees Celsius, and be able to continue the mission in flight temperature of minus 40 degrees Celsius including landing in a temperature of minus 40 degrees Celsius.

These requirements are further described in the procurement documents.

The framework agreement includes an initial purchase of three UAS and two extra GCS. Furthermore, the framework agreement covers the purchase of sustainment (spare parts and repair services), other support services and training services related to the UAS, as well as additional UAS subsystems.

DALO aim to have the initial purchase order to be delivered in 2023.

#### **II.1.6. CPV code(s)**

35613000 Unmanned aerial vehicles, 50650000 Repair and maintenance services of military aircrafts, missiles and spacecrafts, 80650000 Training and simulation in aircrafts, missiles and spacecrafts

#### **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**

750.000.000

Estimated value excluding VAT: 750 000 000,00 DKK

#### **II.2.2. Information about options**

Options: no

#### **II.2.3. Information about renewals**

This contract is subject to renewal: yes

Number of possible renewals: 3

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

Duration in months: 120 (from the award of the contract)

## **Section III: Legal, economic, financial and technical information**

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### **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 DALO.

#### **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**

Candidates are specifically made aware that it will be a condition precedent for signing the contract that the tenderer has entered into an Industrial Co-operation Contract with the Danish Business Authority (Erhvervsstyrelsen). Guidelines for industrial co-operation in Denmark are available at: <https://danishbusinessauthority.dk/sites/default/files/guidelines-for-industrial-coperation-in-denmark.pdf>. More information about Industrial Co-operation is available at: <https://danishbusinessauthority.dk/industrial-co-operation>

Prequalified tenderers will be informed about the specific terms of the Industrial Co-operation Contract.

A summary of the decision from the Danish Business Authority is available via ETHICS. The permalink is stated in section I.1). In case of discrepancy between the content of the summary and the decision respectively, the decision shall take precedence over the summary.

The framework agreement contains requirements regarding labour clause, CSR requirements, international sanctions as well as provisions regarding risk assessment and follow-up actions.

In the procurement of the framework agreement the risk profile is assessed to the following follow-up action (risk level): C. Further information regarding the requirements and follow-up actions is available on DALO's webpage and will be described in the tender material.

Reference is also made to section VI.3.

#### **III.1.5. Information about security clearance**

#### **III.2. Conditions for participation**

##### **III.2.1. Personal situation**

##### **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: When submitting the offer (but not the request for participation/pre-qualification), the tenderer 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 section 134 a of The Public Procurement Act, 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 DALO 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, DALO may not exclude a tenderer which has provided sufficient documentation that the tenderer is reliable. DALO 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.  
**Criteria regarding the economic and financial standing of subcontractors (that may lead to their rejection)**

List and brief description of conditions: A statement of the candidate's equity at the end of the latest financial year available.

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 the latest financial year 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 the latest financial year 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.

Minimum level(s) of standards possibly required: The candidate must have had a positive equity in the latest financial year available.

### **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 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 candidate 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 candidates participation/role in the performance of the deliveries. The description should also contain information on the date of the deliveries, the size/quantity/volume and value of the deliveries, the recipients of the deliveries (in particular whether the recipient was a Governmental Entity of a NATO Member State. When specifying the date for 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 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 DALO will only consider the first 5 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 demonstrate experience with a delivery of a NATO Class I, Small, VTOL UAV to a Governmental entity of a NATO Member State.

In this acquisition VTOL shall mean a “Vertical Take Off and Landing” UAV without any system-required separate equipment such as launcher, landing net, landing wire, parachute or similar.

#### **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**

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#### **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 3

Objective criteria for choosing the limited number of candidates: The limitation of candidates will be based on an evaluation of those candidates that have documented the most relevant previous deliveries in comparison to the contract/purchases described in section II.1.5) above. In the evaluation, DALO will take into account the nature and quantity of the previous deliveries. In this connection special weight will be given to 1) whether the UAS is in the category VTOL NATO Class I, Small, and 2) down to which minus degrees the UAS can fly and subsequent land. DALO will also take into account the time of delivery so that more recent deliveries than older deliveries will be deemed more relevant as well. 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 yes

#### **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**

###### **Prior information notice**

Notice number in the OJ S: [2021/S 172-450407](#) of 6.9.2021

##### **IV.3.3. Conditions for obtaining specifications and additional documents or descriptive document**

Payable documents: no

##### **IV.3.4. Time limit for receipt of tenders or requests to participate**

21.3.2023 - 0:00

##### **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**

English.

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

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##### **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**

The estimated value of the framework agreement is 750,000,000 DKK and the maximum value of the framework agreement is 1,300,000,000 DKK. The reason for the difference between the stated values is the uncertainty regarding the final value of the framework agreement, cf.

below. Hence, the estimated value constitutes DALO's most qualified estimate of the value of the framework agreement at the present moment, while the maximum value constitutes the maximum value of purchases under the framework agreement in its duration.

The uncertainty regarding the final value of the framework agreement is primarily caused by uncertainty regarding the results of the upcoming budget negotiations for the Danish Defence. If more funds are allocated to financing NATO Class I, Small, UAS than what is expected at the moment, this will most likely lead to a significant larger expenditure on the framework agreement. Secondly the uncertainty regarding the final value of the framework agreement is caused by how extensively the deliverables of the framework agreement will be distributed in the Danish Defence. If decision is made that the deliverables in question shall be utilized by more groups of personnel than what is actually decided for now, this will lead to a significant larger expenditure on the framework agreement than what is expected at the moment.

Regarding section II.3): Note that the duration of the framework agreement is up to 10 years calculated from the delivery of the initial purchase, cf. section II.1.5. Thus, the actual duration time is somewhat longer than 10 years and depends on the delivery time of the initial purchase. Regarding section III.1.4: As part of the prequalification application the candidate is asked to submit a self-declaration, on compliance with labour clauses, CSR obligations and international sanctions. If the self-declaration is not submitted or is inadequate, the candidate cannot be taken into consideration for the framework agreement and may be excluded from participation in the procurement process. However, in this connection DALO reserves the right, at any time during the tender process, to let the candidate rectify a missing or inadequately completed self-declaration.

DALO has uploaded a template (available in the ETHICS web portal) which must be used as a statement.

When associations of several entities (eg. Consortiums), including temporary joint ventures, participate as one tenderer, the self-declaration must be filled out separately for each of the participating entities.

Regarding section IV.3.6): Note, that the procure documents are in English. However, it is permissible to submit applications for participation and offers in either Danish or English. Negotiations during the tender procedure may be conducted in Danish or English depending on the preferences of the specific tenderer. Questions submitted during the tender procedure shall be written in English and DALO will answer these questions in English. DALO will conduct an information meeting on the platform Microsoft Teams on February 28th 2023, 15.00-16.00 o' clock Danish time. The meeting will be conducted in English and DALO will distribute minutes of the meeting in English. Registration for the information meeting should be done by using the message module in ETHICS (the permalink is stated in section I.1) which will be answered by DALO with a link for the meeting.

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.

Tenderers are expressly made aware that DALO 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, ie. without conducting any negotiations.

DALO reserves the right to conduct a test as part of the tender evaluation (expectedly in Q3 2023 before the 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. DALO reserves the right to request the candidates 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 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.

Candidates are asked to submit their request to participate via ETHICS. The permalink is stated in section I.1). The request to participate cannot be submitted by e-mail.

DALO have 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

ETHICS. The permalink is stated in section I.1).

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 DALO 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 DALO. However, all divisions of the Danish Ministry of Defence, including all units of the Danish Defence subject to the command of the Chief of Defence is entitled to use the Agreement.

Attention is drawn to Article 5k in Regulation (EU) No 833/2014, as amended, which applies for the tender procedure. The provision contains a prohibition against award of contracts to Russian companies and Russian controlled companies etc. (reference is made to Article 5k, section 1, for the exact delimitation of the actors covered by the prohibition). DALO may at any time during the tender process require that the candidates/tenderers prove that they are not covered by the prohibition, for example by requiring a declaration to this effect and/or documentation regarding the candidates/tenderers and any subcontractors' place of establishment and ownership.

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

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

Official name: Klagenævnet for udbud (The Complaints Board for Public Procurement)

Postal address: Nævnenes Hus, Toldboden 2

Town: Viborg

Postal code: 8800

Country: Denmark

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

Telephone: +45 72405600

Internet address: [www.klfu.naevneshus.dk/](http://www.klfu.naevneshus.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](http://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 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 and tenderers 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)

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**

17.2.2023