

Denmark-Copenhagen: IT services: consulting, software development, Internet and support

OJ S 84/2017 29/04/2017

Contract notice

Services

Legal Basis:

Directive 2014/24/EU

Section I: Contracting authority

I.1. Name and addresses

Official name: Ministry of Taxation

National registration number: 34 73 04 66

Postal address: Nicolai Eigtveds Gade 28

Town: Copenhagen

NUTS code: DK011 Byen København

Postal code: 1402

Country: Denmark

Contact person: Mette Lind Jensen

E-mail: MJen@skm.dk

Telephone: +45 72371543

Internet address(es):

Main address: <http://www.skm.dk>

I.3. Communication

The procurement documents are available for unrestricted and full direct access, free of charge, at: <http://www.skm.dk/ministeriet/ministeriet/udbud>

Additional information can be obtained from the abovementioned address

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

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

Economic and financial affairs

Section II: Object

II.1. Scope of the procurement

II.1.1. Title

Acquisition of Cloud Services (SaaS, IaaS, PaaS and FaaS), related support services and consultancy services.

Reference number: 2017-2466

II.1.2. Main CPV code

72000000 IT services: consulting, software development, Internet and support

II.1.3. Type of contract

Services

II.1.4. Short description

The Ministry of Taxation has established an Implementation Center for Property Valuation (ICE), which has been tasked with developing a property valuation system. In connection with this work, the contracting authority needs to make use of Cloud Services (SaaS, IaaS, PaaS and FaaS), related support services and consultancy services. The contracting authority expects to use the Cloud Services (SaaS, IaaS, PaaS and FaaS), related support services and consultancy services to run the property valuation in its testing and development environment as well as in its production environment. The property valuation system is currently in development.

The quantitative usage of the individual cloud services, related support services and consultancy services may vary substantially in the duration of the contract.

II.1.5. Estimated total value

Value excluding VAT: 16 000 000,00 DKK

II.1.6. Information about lots

This contract is divided into lots: no

II.2. Description

II.2.2. Additional CPV code(s)

72250000 System and support services, 72300000 Data services, 72310000 Data-processing services, 72315100 Data network support services, 72315200 Data network management services, 72317000 Data storage services, 72400000 Internet services, 72415000 World wide web (www) site operation host services, 72417000 Internet domain names, 72416000 Application service providers, 72600000 Computer support and consultancy services, 72700000 Computer network services, 72900000 Computer back-up and catalogue conversion services, 72220000 Systems and technical consultancy services

II.2.3. Place of performance

NUTS code: DK011 Byen København

II.2.4. Description of the procurement

This tender is conducted as an open procedure, cf. section 56-57 of the Danish Public Procurement Act (udbudsloven) no. 1564 15.12.2015 (i.e. the Danish implementation of Directive 2014/24/EU of the European Parliament and of the Council). This tender concerns the acquisition of Cloud Services (SaaS, IaaS, PaaS and Faas), related support services and consultancy services.

The contracting authority expects to use the Cloud Services (SaaS, IaaS, PaaS and FaaS), related support services and consultancy services to run the property valuation system in its testing and development environment as well as in its production environment. The property valuation system is currently in development.

The property valuation system is expected to be put into production in early 2018, however, it should be taken into consideration, that this might be subject to change, e.g. due to political decisions in the Danish Parliament. The organisational set-up of the Ministry of Taxation will, gradually change as from early 2017. Some existing agencies will continue unchanged and some will in whole or in part be merged into other existing agencies or agencies to be established. Therefore, the contracting authority needs to ensure a great level of flexibility concerning the use of the Cloud Services (SaaS, IaaS, PaaS and FaaS), related support services and consultancy services as well as the ability to assign the rights and obligations in whole or in part under the contract.

The quantitative usage of the individual services of the Cloud Services (SaaS, IaaS, PaaS and FaaS), related support services and consultancy services may vary substantially in the duration of the contract. The contracting authority shall have the right to switch between various versions of the services, related support services and consultancy services, such as geographical location of datacentres and support tiers.

The tenderer shall provide updates and further developments of the Cloud Services (SaaS, IaaS, PaaS and FaaS), related support services and consultancy services.

In case the Supplier markets new functions and/or new individual services or updates of existing functions and/or individual services as part of the Cloud Services and/or related support services and/or consultancy services delivered under the contract, the contracting authority shall be entitled to purchase and use such new or improved functions and/or individual services as part of the Cloud Services and/or support services and/or consultancy services in accordance with the contract.

II.2.5. Award criteria

Price is not the only award criterion and all criteria are stated only in the procurement documents

II.2.6. Estimated value

Value excluding VAT: 16 000 000,00 DKK

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

Start: 01/07/2017

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

The contracting authority has chosen not to subdivide the contract into lots, cf. Instructions to Tenderers.

The contract involves the processing of personal data. The contract therefore contains far-reaching requirements concerning data protection and information security. The tenderer therefore must sign a data processing agreement. All data shall at all times remain in the EU and/or EEA.

Section III: Legal, economic, financial and technical information

III.1. Conditions for participation

III.1.2. Economic and financial standing

List and brief description of selection criteria:

The tenderer must submit the European Single Procurement Document ('ESPD') with the following information:

- The tenderer's equity capital in the last financial year available,
- The tenderer's total annual turnover in the last financial year available.

The ESPD serves as provisional documentation that the tenderer fulfils the minimum suitability requirements in respect of economic and financial capacity.

Before the decision to award the contract is made, the tenderer to whom the contracting authority intends to award the contract must submit documentation that the information stated in the ESPD is accurate.

When required by the contracting authority, the tenderer must submit the following documentation of economic and financial capacity:

— Presentation of the latest annual report or extracts hereof, if publication of annual reports is required under the law of the country in which the candidate or tenderer is established, or any other statement on the annual total turnover and equity for the last financial year available. For groups of economic operators (e.g. a consortium), the information must be submitted for each participating economic operator in the group. Where an economic operator relies on the economic and financial capacity of other entities (e.g. a parent company, sister company or a sub-contractor), the information must be submitted for these entities also.

Minimum level(s) of standards possibly required:

The minimum requirements relating to economic and financial standing are the following:

— The equity capital for the last financial year available shall be positive. If the tenderer relies on the capacity of other entities, the equity is to be calculated as the total equity of the economic operator and such other entities in the last financial year available. For groups of economic operators (e.g. a consortium), the equity is calculated as the total equity of the economic operators in the last financial year available. The information is to be stated in section IV.B of the ESPD.

— The total annual turnover for the last financial year available shall be at minimum 10 000 000 DKK. If the tenderer relies on the capacity of other entities, the turnover is to be calculated as the total turnover of the tenderer and such other entities in the last financial year available. For groups of economic operators (e.g. a consortium), the turnover is calculated as the total turnover of the economic operators in the last financial year available. The information is to be stated in section IV.B of the ESPD.

III.2. Conditions related to the contract

III.2.2. Contract performance conditions

If the contract is awarded to a group of operators (e.g. a consortium), each participant of the group must undertake joint and several liability and appoint a joint representative.

The contract includes CSR requirements concerning labour and fundamental principles and rights.

Section IV: Procedure

IV.1. Description

IV.1.1. Type of procedure

Open procedure Accelerated procedure Justification:

The Ministry of Taxation has previously called for tenders concerning this contract. This tender procedure was cancelled on 26.4.2017 due to a lack of competition.

The Ministry of Taxation has an urgent need to enter into a contract on the acquisition of cloud services, related support services and consultancy services at latest on 1.7.2017.

It is the view of the Ministry of Taxation that the urgent need makes it impossible to observe the normal timelimits and that it is therefore necessary to make use of the accelerated procedure, cf. section 57 (5) of the Danish Public Procurement Act. It is furthermore the view of the Ministry of Taxation that the urgent need calls for a procedure of no more than 21

calendar days. Due to the nature and characteristics of the tender, it is in the view of the Ministry of Taxation realistic for bidders to observe this time limit.

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

Date: 18/05/2017 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

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: 18/05/2017 Local time: 13:05

Section VI: Complementary information

VI.1. Information about recurrence

This is a recurrent procurement: no

VI.2. Information about electronic workflows

Electronic invoicing will be accepted

Electronic payment will be used

VI.3. Additional information

The tenderer must submit as part of the tender an ESPD as preliminary documentation of the circumstances set out in section 148(1)(i-iii) of the Danish Public Procurement Act (udbudsloven). For groups of economic operators (e.g. a consortium), a separate ESPD must be submitted for each participating economic operator. If the tenderer relies on the capacity of other entities, an ESPD must be submitted for each of the entities on which the tenderer relies. Reference is made to the Danish Competition and Consumer Authority's ESPD guide. Before the decision to award the contract is made, the tenderer to whom the contracting authority intends to award the contract must provide documentation of the information submitted in the ESPD pursuant to sections 151-152, cf. section 153 of the Danish Public Procurement Act.

The tenderer shall at the request of the contracting authority provide the following documentation as evidence for the absence of grounds for exclusion, cf. section 135 (1) or (3) and section 137 (1) (2 or 7):

— An extract from the relevant register or a similar document issued by a competent judicial or administrative authority stating that the tenderer is not subject to the grounds for exclusions stipulated in section 135 (1)

— A certificate issued by the competent authority in the country referred to as documentation that the tenderer is not subject to the grounds for exclusion stipulated in the cases stated in section 135 (3) and in section 137 (1) (2 or 7).

Danish tenderers may submit a 'serviceattest' issued by the Danish Business Authority.

If the country in question does not issue the documents or certificates stated above, or if such documents or certificates do not cover fully all mentioned grounds for exclusion, those documents or certificates can be replaced by a statement provided on oath. If statements on oath are not provided for in the relevant country, a solemn declaration made before a competent judicial or administrative authority, a notary or a competent professional organisation in the country in which the candidate or tenderer is registered, can be applied, cf. section 153 (2) of the Danish Public Procurement Act.

The tenderer may rely on the capacities of other entities (e.g. a parent company or a sister company), regardless of the legal nature of the links between them. Where a tenderer wants to rely on the capacities of other entities the tenderer shall prove to the contracting authority that it will have at its disposal the resources necessary, for example, by producing a commitment or other documentation from those entities confirming their legal obligation to provide the necessary resources for the duration of the contract. If such documentation is not provided the contracting authority cannot take the other entities' capacities into account. The tenderer may use Enclosure 3 to the Instructions to Tenderers for this purpose.

The tenderer will be excluded from participation in the tender procedure if the tenderer is subject to the compulsory grounds for exclusion set out in sections 135 and 136 of the Danish Public Procurement Act, and the grounds for exclusion set out in section 137(1)(2 or 7) of the Danish Public Procurement Act.

The contracting authority reserves the right to initiate a self-cleaning procedure, should this prove relevant, cf. section 138 of the Danish Public Procurement Act.

As regards section II.2.6), please note, that the value represents a rough estimate of an expected contract value for a period of 48 months, cf. section 36 (3) of the Danish Public Procurement Act.

The tender procedure is subject to the necessary funding being available.

VI.4. Procedures for review

VI.4.1. Review body

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

Postal address: Nævnenes Hus, Toldboden 2

Town: Viborg

Postal code: 8800

Country: Denmark

E-mail: kifu@erst.dk

Telephone: +45 35291095

Internet address: <https://erhvervsstyrelsen.dk/klagenavnet-for-udbud>

VI.4.3. Review procedure

Precise information on deadline(s) for review procedures:

In accordance with Act no 593 2.6.2016 (Lov om Klagenævnet for Udbud m.v., which can be downloaded from www.retsinformation.dk), the deadlines for submitting a complaint are the following:

Complaints regarding a candidate not being selected must be filed with the Danish Complaints Board for Public Procurement within 20 calendar days starting the day after the contracting

authority has sent notification to the candidates involved, cf. section 171, of the Danish Public Procurement Act, or section 2 (1) no. 1 of the Act, if the notification includes a short account of the relevant reasons for the decision.

Other complaints of award procedures, see section 7(2) of the Act, must be lodged with the Danish Complaints Board for Public Procurement before the expiry of:

- 1) 45 calendar days after the contracting authority has published a notice in the Official Journal of the European Union (with effect from the day following the publication date).
- 2) 30 calendar days from the day following the day on which the contracting authority has informed the tenderers that the contracting authority has entered into a contract based on a framework agreement with reopening of competition or a dynamic purchasing system if the notification includes a short account of the relevant reasons for the decision.
- 3) 6 months after the contracting authority has signed a framework agreement from the day following the day that the contracting authority has notified the tenderers, cf. section 2(2) of the Act or section 171(4) of the Danish Public Procurement Act.
- 4) 20 calendar days from the day after the contracting authority has announced its decision, see section 185(2) of the Danish Public Procurement Act.

The complainant must inform the contracting authority of the complaint in writing not later than simultaneously with the lodging of the complaint to the Danish Complaints Board for Public Procurement. The complainant must state whether the complaint has been lodged in the stand-still period. If the complaint has not been lodged in the stand-still period, the complainant must also state whether it is requested that the complaint be given suspensive effect.

The e-mail address of the Complaints Board for Public Procurement is set out in section VI. 4.1).

The Complaints Board's own complaints procedure is available at www.erhvervsstyrelsen.dk

VI.4.4. Service from which information about the review procedure may be obtained

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

Postal address: Carl Jacobsens Vej 35

Town: Valby

Postal code: 2500

Country: Denmark

E-mail: kfst@ksft.dk

Telephone: +45 41715000

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

VI.5. Date of dispatch of this notice

27/04/2017