

Denmark-Ballerup: Repair and maintenance services of warships

OJ S 92/2016 13/05/2016

Contract notice

Services

Directive 2009/81/EC

Section I: Contracting authority/entity

I.1. Name and addresses

Official name: The Danish Defence Acquisition and Logistics Organization

Postal address: Lautrupbjerg 1

Town: Ballerup

Postal code: 2750

Country: Denmark

For the attention of: Ditte-Marie Kjer

E-mail: fmt-ja22@mil.dk

Telephone: +45 72571152

Internet address(es):General address of the contracting authority/entity: <http://forsvaret.dk/FMI/ENG/Pages/default.aspx>Electronic access to information: <http://permalink.mercell.com/58779508.aspx>Electronic submission of tenders and requests to participate: <http://permalink.mercell.com/58779508.aspx>**Additional information can be obtained from:**

Official name: Mercell Danmark A/S

Postal address: Østre Stationsvej 33, Vestfløjen

Town: Odense C

Postal code: 5000

Country: Denmark

E-mail: support.dk@mercell.comInternet address: <http://permalink.mercell.com/58779508.aspx>**Specifications and additional documents (including documents for competitive dialogue and a dynamic purchasing system) can be obtained from:**

Official name: Mercell Danmark A/S

Postal address: Østre Stationsvej 33, Vestfløjen

Town: Odense C

Postal code: 5000

Country: Denmark

E-mail: support.dk@mercell.comInternet address: <http://permalink.mercell.com/58779508.aspx>**Tenders or requests to participate must be submitted:** Official name: Mercell Danmark A/S

Postal address: Østre Stationsvej 33, Vestfløjen

Town: Odense C

Postal code: 5000

Country: Denmark

E-mail: support.dk@mercell.comInternet address: <http://permalink.mercell.com/58779508.aspx>**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

Section II: Object of the contract

II.1. Description

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

Inspection, repair and maintenance service on the frigate F363 Niels Juel carried out within 3.10.2016-21.10.2016.

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

Services

Service category No 1: Maintenance and repair services

NUTS code DK0 Danmark

II.1.3. Information about framework agreement

II.1.4. Information about framework agreement

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

The assignment includes inspection, repair and maintenance service of the frigate F363 Niels Juel. The assignment includes inter alia docking and bottom inspection, a start-up of Class Renewal Survey, exterior painting, repair and maintenance work on the hull and accommodation quarters, as well as general inspection, maintenance and repair work of the vessel's mechanical and electrical systems and components. In addition to the services already specified, the Supplier shall furthermore accept to perform further services on the vessel if needs for additional repairs, etc. are identified by DALO during inspections, and if ordered by DALO.

The ship's main data:

A) Steel ship;

B) Overall length: 138,70 m;

C) Length p.p.: 125,00 m;

D) Width ma.x: 19,75 m;

E) Draught lower edge of the hull: 4,98 m;

F) Draught lower edge of the sonar: 5,86 m;

G) Draught lower edge of the propeller: 6,11 Displacement v. 5,31 m.: 6 645 tons.

The following must be observed when docking:

A) No support in sonar range (from sp. 154 to sp. 171);

B) Lower edge of sonar dome is 1 012 mm below baseline (BL);

C) Minimum 17,2 m. free space aft of sp. 0 to 200 mm below the BL for placement of axles must be ensured. Max. extension of the stabilizer wings 11 975 m. from the center line.

The ship is available during the period 3.10.2016-21.10.2016.

DALO is expecting to dispatch invitations to participate to selected candidates on the 23.6.2016. DALO is furthermore expecting to organize an Inspection Meeting ('Bidders Conference') on Wednesday, 6.7.2016, which will be held for all tenderers on board the frigate F363 Niels Juel at Naval base Korsoer, Sylowsvej 8, DK-4200 Korsoer, cf. Section VI.3)

II.1.6. CPV code(s)

50640000 Repair and maintenance services of warships, 50240000 Repair, maintenance and associated services related to marine and other equipment

II.1.7. Information about subcontracting

The tenderer has to indicate in the tender any share of the contract it may intend to subcontract to third parties and any proposed subcontractor, as well as the subject-matter of the subcontracts for which they are proposed

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:

Range: between 6 000 000,00 and 15 000 000,00 DKK

II.2.2. Information about options

Options: no

II.2.3. Information about renewals

This contract is subject to renewal: no

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

Start 3.10.2016. Completion 21.10.2016

Section III: Legal, economic, financial and technical information

III.1. Conditions related to the contract

III.1.1. Deposits and guarantees required

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

Reference is made to the tender documents with regard to the payment terms. Invoicing must be done in accordance with the at any time applicable Danish Legislation on Public Payments. At present this is the 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 special 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 Supplier and any sub-supplier(s) are required to comply with NATO Security Regulations as implemented by the National Security Authority of the country in which the work is performed. The supplier will be required to ensure that only authorized security personnel

have access to classified information or material in the course of performance of the contract. Further, candidates should note that the contract will include a labour clause requiring that workers employed by the candidate and any subcontractors are secured pay, including special allowances, hours of work and other working conditions which are not less favourable than those established for work of the same character under a collective agreement entered into by the most representative organizations of workers and employers in Denmark in the trade or industry concerned being in force throughout the territory of Denmark. The candidate and any subcontractors shall ensure that the workers are informed of the provisions of the labour clause. When the workers are employed outside of Denmark, the candidate and any subcontractors shall ensure that those workers are secured pay, including special allowances, hours of work and other working conditions in accordance with applicable national regulations and legislation including international obligations for work performed in that country. The candidate will, upon request, contractually be required to demonstrate that the work provision is complied with. Failure to comply can result in sanctions in the form of retention requirements, penalties and possible termination of the contract upon default of the labour clause.

III.1.5. Information about security clearance

Candidates which do not yet hold security clearance may obtain such clearance until:
3.10.2016

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: The latest published annual report or a declaration stating the company's equity ratio (calculated by dividing the company's equity with the candidate's total assets ((equity/total assets) x 100) at the end of the preceding financial year). If the candidate is a consortium, the report/declaration must be submitted for each member of the consortium. Reference is made to Section VI.3) with regard to the candidate's possibility of relying on the capacity of other entities.

Minimum level(s) of standards possibly required: The candidate shall be able to demonstrate to have had a solvency ratio of at least 5 percent in the preceding financial year.

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 containing the most significant equivalent deliveries carried out over the past three (3) years. The list should preferably includes: — A description of each delivery, — Information on when it was carried out, — The size and value of the deliveries, — The recipients of the deliveries (specific names/countries are preferred, but need not necessarily be included; if no country specific information is included the candidate is asked to provide as much generic information as possible about the delivery). Reference is made to Section VI.3) with regard to the candidate's possibility of relying on the capacity of other entities.

Minimum level(s) of standards possibly required

The candidate shall be able to demonstrate experience with the performance of at least 1 equivalent delivery regarding the performance of inspections, maintenance and repair of steel-ships, cf. Section II.1.5) above.

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

Restricted

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

Envisaged minimum number 5 and Maximum number 5

Objective criteria for choosing the limited number of candidates: Objective criteria for choosing the limited number of candidates: If more than 5 suitable candidates apply for pre-qualification, the selection of the candidates who will be invited to submit tenders will be based on which candidates have documented the most relevant previous deliveries of services compared to the services described in Section II.1.5) above. Please note that any ambiguities and/or incomprehensibilities in the information submitted under Section III.2.3) 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

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

15.6.2016 - 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

Candidates are asked to submit applications for pre-qualification via Merccell Sourcing Service: <http://permalink.merccell.com/58779508.aspx> The application for pre-qualification cannot be submitted by e-mail.

Pre-qualification Questionnaire:

DALO have prepared a pre-qualification 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 Merccell Sourcing Service: <http://permalink.merccell.com/58779508.aspx>

Re. Section II.1.2) Main site or location of works, place of delivery or performance is the supplier's shipyard.

Re. Section III.2.1) Solemn declaration regarding the candidate's payment of taxes and social security contributions.

When submitting the offers (but not the application for pre-qualification), the tenderers must submit a solemn declaration stating to which degree the tenderer has fulfilled its obligations relating to the payment of direct and indirect taxes and social security contributions in the country in which the candidate is established and in Denmark. A template for the declaration will be provided with the tender documents.

Re. Section III.2) Relying on the capacities of other entities:

According to the EU public procurement directives, a candidate may rely on the economic, financial and/or technical 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 pre-qualification questionnaire referred to above.

Non-compliance with formal requirements:

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 on tender procedures if applications or tenders do not fulfil the formalities of the tender documents.

Inspection meeting:

DALO is expecting to organize an Inspection Meeting ('Bidders Conference') on Wednesday, 6.7.2016, which will be held for all tenderers on board the frigate F363 Niels Juel at Naval base Korsoer, Sylowsvej 8, DK-4200 Korsoer. In this case time and place will be stated in the

tender documents. During the meeting, the tenderers will have the opportunity to inspect the frigate F363 Niels Juel. Furthermore, DALO will give a short description of the tender procedure.

Re. IV.2.1) Award criteria:

The evaluation of the tenderer's price will take into account the costs of the Danish Defence associated with the fact that the services will be carried out on the supplier's shipyard. Thus, the following costs will be added when evaluating the prices offered:

- 1) The cost of sailing to and from the shipyard;
- 2) The cost of guarding the ship while in dock, including the travel expenses for the personnel of the Danish Defence guarding the ship.

This is done solely for the purpose of evaluation, and the winning tenderer will not have to cover these costs.

VI.4. Procedures for review

VI.4.1. Review body

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

Postal address: Dahlerups Pakhus, Langelinie Allé 17

Town: København Ø

Postal code: 2100

Country: Denmark

E-mail: klfu@erst.dk

Telephone: +45 35291000

Fax: +45 33307799

Internet address: www.klfu.dk

VI.4.2. Review procedure

Precise information on deadline(s) for review procedures: Pursuant to Danish Act on The Complaints Board for Public Procurement (Act No 492 of 12.5.2010 with subsequent amendments — 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, provided that the notification includes a short account of the relevant reasons for the decision.

Other complaints must 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 (with effect from the day following the publication date).
- 2) 30 calendar days starting the day after the contracting authority has informed 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 a short account of the relevant reasons for the decision.
- 3) 6 months starting the day after the contracting authority has sent notification to the candidates/tenderers involved that the contracting authority has entered into the framework agreement, provided that the notification included a short account of the relevant 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. the principle in § 185(2) of the Danish Act on Public Procurement (Act No 1564 of 15.12.2015, available at: www.retsinformation.dk).

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 standstill period, cf. § 6(4) of the act on The Complaints Board for Public Procurement. If the complaint has not been lodged in the standstill period, the complainant must also state whether it is requested that the appeal is granted delaying effect, cf. § 12(1) of the said act.

The e-mail of 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 at the internet address stated in Section VI.4.1)

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

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

Postal address: Carl Jacobsens Vej 35

Town: Valby

Postal code: 2500

Country: Denmark

E-mail: kfst@kfst.dk

Telephone: +45 41715000

Fax: +45 41715100

Internet address: www.kfst.dk

VI.5. Date of dispatch of this notice

11.5.2016