

**Denmark-Ballerup: Cases**  
**OJ S 112/2015 12/06/2015**  
**Contract notice**  
**Supplies**

**Directive 2004/18/EC**

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**Section I: Contracting authority**

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**I.1. Name and addresses**

Official name: Danish Defence Acquisition and Logistic Organization

Postal address: Lautrupbjerg 1-5

Town: Ballerup

Postal code: 2750

Country: Denmark

For the attention of: Sofie Schummel Larsen

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

Telephone: +45 72307358

**Internet address(es):**

General address of the contracting authority: <http://forsvaret.dk/fmi>

**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:** Official name: Kammeradvokaten

Postal address: Vester Farimagsgade 23

Town: København V

Postal code: 1606

Country: Denmark

For the attention of: Sofie Schummel Larsen

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

Telephone: +45 72307358

**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

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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**

Framework agreement regarding acquisition of rack cases.

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

Supplies  
NUTS code DK Danmark

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

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: 4

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

Estimated value excluding VAT:

Range: between 11 000 000 and 12 000 000 DKK

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

The Danish Defence Acquisition and Logistics Organisation (DALO) is installing modern communications and information systems in many of the vehicles, containers, and other platforms of the Danish armed forces. In support of this effort DALO seek to establish a Framework Agreement for the supply of 19" rack cases suitable for mounting rugged military electronics equipment for transport, storage or installation in vehicles and containers. DALO seeks to acquire 19" rack cases (flight cases with internally mounted 19" racks) assembled to DALO specifications from off-the-shelf materials commonly used in the construction of rack cases such as e.g. metal profiles, rivets, corner brackets, latches, handles, case panels etc.

If needed, DALO want to be able to customize rack cases with additional features in excess of those for standard Rack Cases.

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

44619100 Cases, 44617000 Boxes, 44617300 Prefabricated boxes

**II.1.7. Information about the Government Procurement Agreement (GPA)**

The procurement is covered by the Government Procurement Agreement: yes

**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 11 000 000 and 12 000 000 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**

Duration in months: 48 (from the award of the contract)

### III.1. Conditions related to the contract

#### III.1.1. Deposits and guarantees required

If prepayments 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 tender documents with regard to the 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. Contract performance conditions

The performance of the contract is subject to particular conditions: yes

Description of particular conditions: Applicants should note that the contract will include a labour clause requiring the supplier to ensure that the wages, including allowances, hours of work and other conditions of labour of his and any subcontractors' employees are no less favourable than those applicable to work of an equal nature within the trade or industry in the country where the work is performed pursuant to any collective agreement, arbitration award or national legislation or administrative regulations. The supplier will 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.2. Conditions for participation

#### III.2.1. Suitability to pursue the professional activity, including requirements relating to enrolment on professional or trade registers

#### III.2.2. Economic and financial ability

List and brief description of conditions: The three latest annual reports or a declaration stating the candidate's annual turnover and equity ratio (calculated by dividing the candidate's equity with the candidate's total assets (equity/total assets x 100) at the end of the preceding three financial years, in so far as such information is available.

Minimum level(s) of standards possibly required: The candidate must have had an annual turnover of at least 2 000 000 DKK in each of the preceding three financial years (if the turnover is not stated in said currency, the contracting authority will calculate the turnover based on the official exchange rate on the date this notice was published).

The candidate must have had a equity ratio of at least 10 percent for each of the preceding 3 financial years.

Reference is made to section VI.3 with regard to the candidate's possibility of relying on the capacity of other entities.

#### III.2.3. Technical and professional ability

List and brief description of conditions:

A list of the most important similar deliveries carried out over the past three years. The list should preferably include:

- a description of each delivery,
- information on when it was carried out,
- the size and value 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).
- the recipients of the deliveries.

Minimum level(s) of standards possibly required:

The candidate must demonstrate experience with one or more similar deliveries within the past 3 years.

Reference is made to section VI.3 with regard to the candidate's possibility of relying on the capacity of other entities.

### **III.2.4. Information about reserved contracts**

### **III.3. Conditions specific to services contracts**

#### **III.3.1. Information about a particular profession**

#### **III.3.2. Information about staff responsible for the performance of the contract**

## **Section IV: Procedure**

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### **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 number of candidates: 5

Objective criteria for choosing the limited number of candidates: The limitation of candidates will be based on an evaluation of which candidates have documented the most relevant previous deliveries in comparison to the contract/purchases described in section II.1.5) above, in terms of the nature and quantity of the previous deliveries. 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 will be 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**

#### **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**

10.7.2015 - 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.

#### **IV.3.7. Minimum time frame during which the tenderer must maintain the tender**

#### **IV.3.8. Conditions for opening of tenders**

### **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**

Candidates are asked to submit applications for prequalification in 3 hardcopies and electronically on a CD/ USB or equivalent medium in a sealed envelope marked 'Rack Cases– Application. Must not be opened in the reception'. In case of discrepancy between the hardcopy and the electronic version, the hardcopy shall take precedence. The application for prequalification 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 upon request from the contact point stated in I.1 above.

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 prequalification), 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 accordance with the legal provisions of the country in which the candidate is established and in Denmark in accordance with consolidation act no. 336 of 13 May 1997 regarding public payments. 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 prequalification questionnaire referred to above.

Non-compliance with formal requirements:

DALO reserves the right — but is not obliged — to use the remedies provided for in Section 12 of the Danish statutory order on procedures for the award of public supply contracts, public service contracts and public construction contracts (Order no. 712 of 15.6.2011) if applications or tenders do not fulfil the formalities of the tender documents.

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

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

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

Postal address: Dahlerups Pakhus, Langelinie Allé 17

Town: Copenhagen Ø

Postal code: 2100

Country: Denmark

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

Telephone: +45 35291095

Internet address: <http://erhvervsstyrelsen.dk/klagenaevnet-for-udbud>.

##### **VI.4.2. Review procedure**

Precise information on deadline(s) for review procedures: Pursuant to Danish act no. 492 of 12.5.2010 with subsequent amendments on enforcement of the public procurement rules, 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 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). However, if the tender concerns a framework agreement complaints must be filed with The Complaints Board for Public Procurement within 6 months 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.

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. The complainant shall state whether the complaint has been lodged in the stand-still period. If the appeal has not been lodged in the stand-still period, the appellant must also state whether it is requested that the appeal is granted delaying effect.

##### **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

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**

9.6.2015