

Denmark-Kastrup: Education and training services
OJ S 75/2022 15/04/2022
Contract notice – utilities
Services

Legal Basis:

Directive 2014/25/EU

Section I: Contracting entity

I.1. Name and addresses

Official name: Naviair

National registration number: 26059763

Postal address: Naviair Allé 1

Town: Kastrup

NUTS code: DK01 Hovedstaden

Postal code: 2770

Country: Denmark

Contact person: Charlotte Perch Hellinghus

E-mail: cpe@naviair.dk

Telephone: +45 32478912

Internet address(es):

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

Address of the buyer profile: <https://eu.eu-supply.com/ctm/Company/CompanyInformation/Index/290627>

I.3. Communication

The procurement documents are available for unrestricted and full direct access, free of charge, at: http://eu.eu-supply.com/app/rfq/rw/entrance_s.asp?PID=326978&B=NAVIAIR

Additional information can be obtained from the abovementioned address

Tenders or requests to participate must be submitted electronically via: http://eu.eu-supply.com/app/rfq/rw/entrance_s.asp?PID=326978&B=NAVIAIR

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

I.6. Main activity

Airport-related activities

Section II: Object

II.1. Scope of the procurement

II.1.1. Title

ATCO Recruitment and initial training

II.1.2. Main CPV code

80000000 Education and training services

II.1.3. Type of contract

Services

II.1.4. Short description

The Scope of Work for this contract shall cover the recruitment (EUROCONTROL FEAST-tests) and initial training of 4 to 12 Air Traffic Controller students for Naviair, with the purpose of enabling the students to begin unit specific training at Naviair ANS' ACC Unit.

II.1.5. Estimated total value

II.1.6. Information about lots

This contract is divided into lots: no

II.2. Description

II.2.2. Additional CPV code(s)

80000000 Education and training services

II.2.3. Place of performance

NUTS code: DK Danmark

II.2.4. Description of the procurement

Naviair is planning to buy recruitment services (EUROCONTROL FEAST-tests) and initial training of a team of up 4-12 Air Traffic Controller students with the purpose of enabling the students to begin unit specific training at Naviair ANS' ACC Unit.

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

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

Start: 01/09/2022

This contract is subject to renewal: no

II.2.9. 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:

Naviair is entitled to limit the number of candidates who are prequalified. Naviair will select a maximum of 3 candidates who are deemed to provide the best basis for competition.

The selection of candidates will be based on an evaluation of which candidates have the most robust economy and also the best and most relevant previous deliveries/references in comparison to the scope of contract described in section II.1.4 and section III.1.3

(EUROCONTROL FEAST-tests and initial training of student Air Traffic Controllers according to EU Regulation 2015/340).

The evaluation will be based on the economic information listed in the European Single Procurement Document (ESPD) according to section III.1.2 and list of references according to section III.1.3.

The candidates may where necessary rely on the capacity of other entities in relation to the fulfilment of requirements relating to the economic and financial capacity, or to its technical and professional abilities. Where a candidate wants to rely on the capacities of other entities, it shall prove to the contracting authority (Naviair) that it will have at its disposal the capacities necessary.

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 exact number of Air Traffic Controller students which shall be FEAST-tested and trained by the Air Traffic Controller Training Organisation will be clarified before the Tender Phase at the latest.

Applications for prequalification must be submitted through the Tender Management System mentioned in section I.

Section III: Legal, economic, financial and technical information

III.1. Conditions for participation

III.1.1. Suitability to pursue the professional activity, including requirements relating to enrolment on professional or trade registers

List and brief description of conditions:

The candidate (Air Traffic Controller Training Organisation) must demonstrate that they have /will be able to obtain

- 1) a Training Certificate (ATCO initial training) according to EU Regulation 2015/340 by the competent authority
- 2) Accreditation by the Danish Agency for Higher Education and Science regarding training services according to EU Regulation 2015/340 so that the ATCO students can obtain public financial aid ("SU").

III.1.2. Economic and financial standing

List and brief description of selection criteria:

The candidate must submit the European Single Procurement Document ("ESPD") with the following financial ratios for the recent 3 financial years:

Profit margin/ratio;
Return of investment (ROI);
Solvency ratio;
Liquidity ratio;
Return on equity (ROE)

and size of equity in the recent financial year.

In case the information concerning financial ratios are not available for the entire period required, the candidate must state in the ESPD the date on which the candidate was set up or started trading.

In case the information concerning financial ratios are not available - profit/loss (income statement) and balance sheet for the past 3 years can be submitted instead.

Minimum level(s) of standards possibly required:

A candidate is automatically excluded from the prequalification phase if the company has a negative equity within the recent financial year.

If the candidate is composed of a group of entities (e.g. consortium), including temporary joint ventures, none of the entities must have a negative equity in the recent financial year.

If the candidate relies on the economic and financial standing of an entity or entities, the entity (entities) must not have negative equity in the recent financial year.

III.1.3. Technical and professional ability

List and brief description of selection criteria:

The candidate must submit the ESPD with the following information:

The principal similar deliveries as covered by this tender for the past 3 years (specified by contract amount, description of ATCO recruitment (FEAST-tests) and initial training activities, recipients, subcontractors, and period of delivery). By similar deliveries means ATCO recruitment (EUROCONTROL FEAST-tests) and initial training according to EU Commission Regulation 2015/340 of 20 February 2015 laying down technical requirements and administrative procedures relating to air traffic controllers' licences and certificates.

The educational and professional qualifications of the candidate and/or those of the undertaking's managerial staff and, in particular those of the persons responsible for providing ATCO recruitment (FEAST tests) and initial training.

The candidates organized company structure and systematic work processes.

Minimum level(s) of standards possibly required:

A candidate is automatically excluded if:

1) He fails to deliver a minimum of three (3) references demonstrating delivery of similar ATCO recruitment (EUROCONTROL FEAST-tests) and initial training according to EU Regulation 2015/340

2) He fails to deliver references to experienced employees considered experts in ATCO recruitment (EUROCONTROL FEAST-tests) and initial training

3) He fails to provide evidence for organized company structure and systematic work processes, as demonstrated by for example:

a. Certification by recognized standards such as ISO 9001 and ISO 27001.

b. Ample justification for non-adherence to acceptable standard and practices.

4) He fails to demonstrate that he has/will be able to obtain

a. a Training Certificate (ATCO initial training) according to EU Regulation 2015/340

b. accreditation by the Danish Agency for Higher Education and Science regarding training services according to EU Regulation 2015/340 so that the ATCO students can obtain public financial aid ("SU").

Young and startup companies (younger than 3 years old) are excluded unless a very good case is made for the trustworthiness of the company (e.g. in terms of ATCO recruitment and education experience, new company identity from older experienced companies, etc.).

III.1.4. Objective rules and criteria for participation

List and brief description of rules and criteria:

In the event that the candidate intends to fulfil its contractual undertakings by referring to another entity's (a different legal entity) economic/financial ability and/or technical capacity and resources, the candidate's application shall include the information and means of proof required under section III.1.2 and III.1.3 with regard to the other entity. The information shall be stated by the other entity in an ESPD.

Where a candidate wants to rely on the capacities of other entities, it shall also prove to the contracting authority (Naviair) that it will have at its disposal the capacities necessary.

The candidate (or the entity whose capacities the candidate relies on) is automatically excluded from the prequalification phase if the candidate (or the entity) is subject to any of the exclusion grounds listed in articles 57(1) and 57 (2) in directive 2014/24/EU.

III.1.8. Legal form to be taken by the group of economic operators to whom the contract is to be awarded

In the event that the candidate intends to form or participate in a consortium to fulfil the contractual undertakings, the candidate's application shall include the information and means of proof required under section III: Economic and financial ability; and Technical capacity with respect to all participants of the consortium. If the contract is awarded to a consortium, the participants shall assume joint and several liability and appoint a common agent who represents and acts on behalf of the participating parties.

III.2. Conditions related to the contract

III.2.2. Contract performance conditions

During the execution of the contract, the training organisation must maintain a certificate as an air traffic controller training organisation and authority-approved Training Courses and Training Plan as set out in Commission Regulation (EU) 2015/340. Such certification must be obtained no later than 1.9.2022 and must remain for the duration of the contract.

The training organisation and the courses offered must also be accredited by the Danish Agency for Higher Education and Science so that the ATCO students can obtain public financial aid ("SU").

The contract document in the Tender Material will be used as legal basis for the agreement between the winning Tenderer and Naviair.

Section IV: Procedure

IV.1. Description

IV.1.1. Type of procedure

Negotiated procedure with prior call for competition

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: 02/05/2022 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

Tender must be valid until: 25/11/2022

Section VI: Complementary information

VI.1. Information about recurrence

This is a recurrent procurement: no

VI.3. Additional information

The use of the ESPD is a precondition for participation in the procurement procedure. Naviair

shall require that the candidate apply the ESPD as preliminary evidence that the candidate is not subject to the grounds of exclusion stipulated in article 57(1) and 57(2) in Directive 2014/24/EU (implemented in 135 and 136 of the Danish Procurement Act), and that the candidate fulfils the minimum requirements for suitability, cf. section III.1.2) and III.1.3), and how the candidate fulfils the objective and non-discriminatory criteria of selection), cf. section II.2.9). Naviar shall exclude a candidate from participation in the procurement procedure if the candidate is subject to one of the compulsory grounds for exclusion in sections 135 and 136 of the Danish Procurement Act (mandatory exclusion grounds). Naviar shall accept the following as documentation of the fact that the candidate or tenderer is not subject to the grounds for exclusion stipulated in sections 135 and 136:

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

2) A certificate issued by the competent authority in the country referred to as documentation that the candidate is not subject to the grounds for exclusion stipulated in the cases stated in section 135(3).

For applicants residing in Denmark the documentation may consist of a service certificate issued by the Danish Business Authority (Erhvervsstyrelsen) upon request. If the country in question does not issue the documents or certificates stated in 1), or if such documents or certificates do not cover all the cases mentioned in sections 135 and 136, 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. Naviar may not exclude a candidate or a tenderer which has provided sufficient documentation that the candidate or tenderer is reliable, even if the candidate or tenderer is subject to one or more of the grounds for exclusion stated in sections 135-136. Naviar reserves the right to initiate a procedure regarding "self-cleaning" if relevant.

VI.4. Procedures for review

VI.4.1. Review body

Official name: Klagenævnet for Udbud, Nævnenes Hus

Postal address: Toldboden 2

Town: Viborg

Postal code: 8800

Country: Denmark

E-mail: kifu@naevneneshus.dk

Telephone: +45 72405600

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

VI.4.2. Body responsible for mediation procedures

Official name: NA

Town: København

Country: Denmark

VI.4.3. Review procedure

Precise information on deadline(s) for review procedures:

As a consequence of Danish Act No 593 of 2.6.2016 on the enforcement of procurement rules, etc. there are following deadlines for lodging appeals in Denmark:

Complaints about not being pre-qualified shall be submitted to 'Klagenævnet for Udbud' (Board of Appeal) within 20 calendar days from the day following the day on which the contracting entity has sent a notification with an explanation of the decision to interested applicants who have been prequalified. In other situations, the complaint against the tender or the decision must be submitted to 'Klagenævnet for Udbud' before:

- 1) 45 days after the contracting entity has published a notice in the Official Journal stating that the contracting entity has entered into a contract. The period is calculated from the day following the day on which notice has been published.
- 2) 30 calendar days from the day following the day on which the contracting entity informed the tenderers that a contract based on a framework contract with reopening of competition or a dynamic purchasing system has been signed, if notification is given a brief explanation of the relevant reasons for the decision.
- 3) 6 months after the entity has signed a framework agreement – calculated from the day after the day on which the contracting entity informed the tenderers and candidates, cf § 2 (2).
- 4) 20 calendar days from the day following the day on which the contracting entity has announced the decision according to the Danish law of procurement (No 1564 of 15.12.2015) § 185 (2) second sentence.

At the latest at the same time as an appeal is sent to 'Klagenævnet for Udbud', the appellant shall in writing inform the contracting entity that the complaint will be sent to 'Klagenævnet for Udbud', and whether the complaint is filed during the standstill period referred to in § 3. 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 pursuant to § 12 (1).

VI.4.4. 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

Telephone: +45 41715000

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

VI.5. Date of dispatch of this notice

13/04/2022