

**Denmark-Ballerup: Security, fire-fighting, police and defence equipment**

OJ S 93/2018 17/05/2018

Contract notice

Supplies

Directive 2009/81/EC

**Section I: Contracting authority/entity**

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**I.1. Name and addresses**

Official name: The Danish Ministry of Defence Acquisition and Logistics Organisation

Postal address: Lautrupbjerg 1-5

Town: Ballerup

Postal code: 2750

Country: Denmark

Contact person: Martin Mehlsen

Telephone: +45 72814078

**Internet address(es):**General address of the contracting authority/entity: <https://www.ethics.dk/ethics/eo#/3f5abf6b-b269-439b-8d5c-0a3459bb7152/homepage>Electronic access to information: <https://www.ethics.dk/ethics/eo#/3f5abf6b-b269-439b-8d5c-0a3459bb7152/homepage>Electronic submission of tenders and requests to participate: <https://www.ethics.dk/ethics/eo#/3f5abf6b-b269-439b-8d5c-0a3459bb7152/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****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**

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**II.1. Description****II.1.1. Title attributed to the contract by the contracting authority**

Acquisition of CVC Helmets

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

Supplies

Purchase

NUTS code DK 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: 4

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

Estimated value excluding VAT:

Range: between 10 000 000 and 30 000 000 DKK

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

The Danish Ministry of Defence Acquisition and Logistics Organisation (DALO) is putting the Framework Agreement for Combat Vehicle Crew Helmet System (CVC Helmet) up for tender. The Danish Army operate a number of armoured vehicles. Crews that operate these vehicles work in a noisy and hazardous environment. To protect the users (crew) against these threats the crews are currently equipped with a Bose CVC helmet. It is essential that the CVC helmet provide the user with both hearing and ballistic protection without hindering the user's performance. The CVC Helmet must at the same time secure the user's 2-way communication through the vehicle intercom SOTAS M2 system. The CVC Helmet has 2 main objectives — protection and clear communication of which neither can be neglected. DALO is therefore tendering a Framework Agreement to make it possible to acquire new and updated CVC Helmets, to be used primary on Main Battle tanks and infantry fighting vehicles. The scope of the Framework Agreement also includes the Supplier to provide maintenance / service, spare parts and accessories.

The evaluation will regard the following positively in the selection of candidates:

- quantity of similar products delivered recently (within the past 1 (one) year prior to the deadline for the request to participate), and
- quantity of similar products delivered within the past 5 (five) years prior to the deadline for the request to participate to NATO countries, and
- similar products delivered for use in Main Battle tanks.

Candidates are made aware that it is mandatory to deliver test samples to DALO in connection with a test of the candidates offer. The candidates shall not deliver test samples in order to participate in the pre-qualification however the candidates are encouraged to utilize the time during the pre-qualification period to insure timely delivery of the test samples. The test samples with necessary equipment shall be delivered to The Danish Army in connection with the test and must consist of 20 CVC helmet systems (in differentiated sizes) provided with necessary equipment to support the claim during the testing. The test is expected to be conducted in the 4<sup>th</sup> quarter of 2018. However, this may be subject to change. More information will be presented once the selection of candidates has been done (expected July 2018).

The Framework Agreement will have a duration of 4 years and the Framework Agreement is subject to renewal for additional 3 years (36 months) cf. Section 2.2.3).

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

35000000 Security, fire-fighting, police and defence equipment, 32342100 Headphones, 35813000 Military helmets

#### **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**

Estimated value excluding VAT:

Range: between 10 000 000 and 30 000 000 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: 1

In the case of renewable supplies or service contracts, estimated timeframe for subsequent contracts:

in months: 36 (from the award of the contract)

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

## **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**

#### **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 regarding payment terms. Invoicing must be done in accordance with the applicable Danish legislation on public payments. At present, this is Danish consolidation act. n° 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 1 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 Framework Agreement must be conducted in consideration of corporate social responsibility and it contains a labour clause, please see Appendix B for further information once the Framework Agreement with appendices and special appendices are made available after the pre-qualification.

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

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

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

**Criteria regarding the personal situation of economic operators (that may lead to their exclusion) including requirements relating to enrolment on professional or trade registers**

List and brief description of conditions: When submitting the offers (but not the request for participation), the tenderers must submit a solemn declaration stating 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 tender documents, and the tenderer is encouraged — but not obliged — to use it.

Be advised, that DALO shall exclude a tenderer which has unpaid overdue debt of 100 000 DKK 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.

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 the guidelines equal to the guidelines provided for in Section 138(1-4) of the Danish Act n° 1564 of 15.12.2015 — The Public Procurement Act.

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

### **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 if the minimum requirement for suitability stated below is fulfilled and which candidates 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 regards to quantity and value) 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 including 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 quantity and value of the deliveries, the recipients of the deliveries (specific names / countries are preferred, but not necessary; if no country specific information is included, the candidate is asked to provide as much generic information as possible about the delivery), and if the deliveries was to be used on a Main battle tank. 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.

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 as a minimum 1 (one) similar delivery within the past 5 (five) years, prior to the deadline for the request to participate. A “similar delivery” shall be understood as delivery of a minimum of 100 similar products which fulfill the same purpose as stated in Section II.1.5.

#### **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 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 purchases described in Section II.1.5) above in terms of the nature and quantity of the previous deliveries. The evaluation will be based on the list of references (deliveries) 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 no

#### **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: [2016/S 132-237301](#) of 12.7.2016

#### **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**

25.6.2018 - 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**

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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**

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. 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 n° 1564 of 15.12.2015, the Public Procurement Act, if applications or tenders do not fulfil the formalities of the tender 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 email. 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 ETHICS. The permalink is stated in Section I.1). According to the EU defence directive, a candidate may rely on the 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 pre-qualification questionnaire referred to above.

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

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

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

Postal address: Toldboden 2

Town: Viborg

Postal code: 8800

Country: Denmark

E-mail: [kflu@naevneneshus.dk](mailto:kflu@naevneneshus.dk)

Telephone: +45 72405600

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

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

Precise information on deadline(s) for review procedures: Pursuant to Section 3 of the Danish Consolidation Act n° 593 of 2.6.2016 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 a short account of the relevant 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 (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 Public Procurement Act (act n° 1564 of 15.12.2015 — available at [www.retsinformation.dk](http://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 email 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 lodging of appeals may be obtained:

Konkurrence- og Forbrugerstyrelsen (The Danish Competition and Consumer Authority),  
Carl Jacobsens Vej 35, DK-2500 Valby, Denmark, Email: [kfst@kfst.dk](mailto:kfst@kfst.dk) — Telephone: +45 41715000, Internet address: [www.kfst.dk](http://www.kfst.dk)

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

**VI.5. Date of dispatch of this notice**

15.5.2018