

Denmark-Copenhagen: Wide area network services
OJ S 108/2017 08/06/2017
Contract notice
Services

Directive 2009/81/EC

Section I: Contracting authority/entity

I.1. Name and addresses

Official name: Ministry of Foreign Affairs of Denmark

Postal address: Asiatisk Plads 2

Town: Copenhagen

Postal code: 1448

Country: Denmark

For the attention of: Keld Jacobsen

E-mail: keljac@um.dk

Telephone: +45 33920000

Internet address(es):

Electronic access to information: http://eu.eu-supply.com/app/rfq/rwlenrance_s.asp?PID=188133&B=KA

Electronic submission of tenders and requests to participate: http://eu.eu-supply.com/app/rfq/rwlenrance_s.asp?PID=188133&B=KA

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

Ministry or any other national or federal authority, including their regional or local subdivisions

I.3. Main activity

General public services

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

Global WAN III.

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

Services

Service category No 11: Telecommunications services

Main site or place of performance: Copenhagen K.

NUTS code DK 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 Ministry of Foreign Affairs of Denmark ('DMFA') wishes to enter into a contract regarding the implementation, operation, maintenance etc. of a global Wide Area Network (WAN) solution. The scope of the contract is to replace an existing WAN infrastructure and subsequently handle all aspects of operations on the delivered WAN infrastructure.

The delivery must include the following main components:

- Implementation.
- Testing.
- Operation and maintenance, including support.
- Technical support.
- Project management.
- Relevant Courses.

The WAN will cover approximately 90 locations around the world. The approximate distribution of existing WAN connections is as follows: 39 pct. in Europe, 33 pct. in Asia, 14 pct. in North- and South America, and 14 pct. in Africa.

It is important that a tenderer can deliver communication lines on all Danish embassies and consulates worldwide (see <http://um.dk/en/about-us/organisation/find-us-abroad> for a list of current missions).

The WAN must provide stable and transparent IP communication between the missions and the Ministry in Copenhagen and include Internet access at a number of strategic locations, including the Ministry in Copenhagen.

The bandwidth requirement for the missions is between 8 and 100 Mbps and will in average be about 18 Mbps. The average bandwidth is expected to increase to about 45 Mbps at the end of contract period. The bandwidth for the Ministry will initially be 1 Gbps and will increase to about 2.5 Gbps over the contract period.

DMFA assigns great weight to a WAN solution with low latency in the network. Hence, an offer based on satellite communication (VSAT) will not be preferred.

DMFA will prefer a supplier with global representation, and offices in all regions worldwide. Furthermore it is a requirement that the supplier offers 24/7/365 support for the entire WAN infrastructure.

Subsequent to the implementation of the WAN, DMFA intends to implement an SDWAN infrastructure to handle secure communication between missions. DMFA will be responsible for all aspects of the SDWAN infrastructure.

II.1.6. CPV code(s)

72720000 Wide area network services, 72410000 Provider services

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

Reference is made to section II.1.5).

Estimated value excluding VAT:

Range: between 180 000 000 and 220 000 000 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: 2

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

in months: 24 (from the award of the contract)

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

Duration in months: 060 (from the award of the contract)

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.

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. 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 will be required to ensure that only authorized security-cleared personnel have access to classified information or material in the course of performance of the contract.

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: A solemn declaration as to whether the supplier has fulfilled its obligations in respect of payment of taxes and duties as well as social security contributions pursuant to the provisions of the law in the country in which the supplier is established and in Denmark has to be submitted as part of the tender (but not as part of the request for prequalification).

A template will be part of the tender material. In the alternative, the requirements may be fulfilled by submission of an official certification issued by the Danish Business Authority. The certificate must not have been issued any sooner than 6 months prior to the expiry of the tender deadline. Foreign suppliers submitting a similar certificate from the authorities of the

country in which they are established must furthermore submit a solemn declaration regarding the obligations for payment of taxes and duties as well as social security contributions in Denmark. For groups of operators (e.g. a consortium), the declaration/certificate must be submitted for each participating operator in the group.

DMFA is obligated to exclude a supplier with unpaid debt to public authorities in Denmark and public authorities in the country where the supplier is established of DKK 100.000 or more, which has fallen due, unless the supplier has provided/or will provide collateral for the part of the debt that exceeds DKK 100.000 before the contract is signed, or the supplier has entered into an installment agreement with the public authorities regarding repayment of the debt and this agreement has not been breached at the time of submitting the tender.

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 3 latest annual reports or a declaration stating the annual turnover for the last 3 financial years available, in so far as information on such turnovers is available.

The 3 latest annual reports or a declaration stating the candidate's solvency 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.

If the application is submitted by a joint group of suppliers (e.g. a consortium) this information must be provided for each member of the group. 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 must have had a general yearly turnover of at least 1 000 000 000 DKK in each of the last 3 financial years. If the turnover is not stated in said currency, the turnover will be calculated based on the official exchange rate on the date this notice was published.

If the candidate is composed of a group of entities (e.g. consortium), including temporary joint ventures, the yearly turnover is calculated as the sum of all the participants yearly turnover in each of the last 3 financial years available.

If the candidate relies on the economic and financial standing of an entity or entities the general yearly turnover will be calculated as the sum of the candidate's general yearly turnover and the entity or entities' general yearly turnover in each of the last 3 financial years available.

The candidate must have had a solvency ratio of at least 8 % percent for each the last 3 financial years. The solvency ratio is calculated by dividing the candidate's total equity with the candidate's total assets (equity/total assets x 100).

If the candidate/tenderer is composed of a group of entities (e.g. consortium), including temporary joint ventures, the solvency ratio is calculated by dividing the sum of all the participants' total equities with the sum of all the participants' total assets (sum of total equity /sum of total assets x 100) in each of the last 3 financial years available.

If the candidate relies on the economic and financial standing of an entity or entities, the solvency ratio is calculated by dividing the sum of the candidate's and the entity or entities' equity with the sum of the candidate's and the entity or entities' total assets (sum of total equity /sum of total assets x 100) in each of the last 3 financial years available.

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) carried out over the past five 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, including the number of locations and the specific delivered bandwidth (if no specific information can be included the candidate is asked to provide as much generic information as possible about the delivery)
- The recipients of the deliveries, including whether these are Ministries of Foreign Affairs (specific names/countries are preferred, but need not necessarily be included)

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

The list submitted must not exceed 5 deliveries (references). If the candidate submits more than 5 deliveries (references) DMFA will only take the first 5 deliveries (references) into consideration when limiting the number of candidates invited to participate, cf. section IV.1.2 below.

Minimum level(s) of standards possibly required

The candidate must demonstrate experience with one or more similar deliveries as described in section II.1.5) within the past five years.

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

Negotiated

IV.1.2. 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: The limitation of candidates will be based on the following criteria listed in order of priority:

(a) the relevance of the candidate's previous deliveries in comparison to the contract /purchases described in section II.1.5), in terms of the nature and quantity of the previous deliveries. The evaluation will be based on the list submitted by the candidates according to section III.1.3)

(b) economic and financial standing of the candidate, in terms of yearly turnover and solvency ratio

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

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

11.7.2017 - 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

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

This tender is conducted according to the negotiated procedure, cf. directive 2009/81/EC, article 26. The tenderers who will be invited to submit tenders will receive further practical information regarding the negotiated procedure in the Instructions to Tenderers.

Participation in the tendering procedure may only take place by electronic means via the electronic tendering system used by the contracting authority, see the address set out in section I.1). This means that the applications for prequalification must be submitted electronically via Kammeradvokaten's tendering system ("the electronic tendering system") via the address set out in section I.1). The tendering procedure is accessed under the tab "Ongoing public procedures". For access to the tender documents, the candidate must be registered or register as a user.

If the application contains several versions of the same document, the latest uploaded version will apply.

All communication in connection with the tender procedure, including questions and answers,

must be through the electronic tendering system. Questions must be submitted not later than 30 June 2017 at 11:00 local time. Questions asked after this date will be answered if they are received in time for the contracting authority to provide the information required and communicate the answers not later than six days before expiry of the application deadline. Questions received later than 6 days before expiry of the deadline cannot expect to be answered.

Interested operators are requested to keep updated via the electronic tendering system. If the candidate encounters problems with the system, please contact support by e-mail, dksupport@eu-supply.com, or telephone (+45) 70 20 80 14.

DMFA has 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 at Kammeradvokaten's tendering system ('the electronic tendering system') via the address mentioned in section I.1).

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 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 DMFA 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:

DMFA 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.

VI.4. Procedures for review

VI.4.1. Review body

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

Postal address: Nævnenes Hus

Town: Viborg

Postal code: 8800

Country: Denmark

E-mail: kifu@naevneshus.dk

Telephone: +45 35291000

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

VI.4.2. Review procedure

Precise information on deadline(s) for review procedures: Pursuant to Section 3 of the Danish Consolidation Act no. 593 of 2 June 2016 on the Complaints Board for Public Procurement 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, cf. § 7(1) of the Danish 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 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 ([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 stand-still period, cf. § 6(4) of the act on The Complaints Board for Public Procurement. If the complaint has not been lodged in the stand-still 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: Konkurrence- og Forbrugerstyrelsen (The Danish Competition and Consumer Authority)

Postal address: Carl Jacobsens Vej 35

Town: Valby

Postal code: 2500

Country: Denmark

Telephone: +45 41715000

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

VI.5. Date of dispatch of this notice

6.6.2017