

**Denmark-Ballerup: Advisory and consultative engineering services**

OJ S 109/2017 09/06/2017

Contract notice

Services

**Legal Basis:**

Directive 2014/24/EU

**Section I: Contracting authority**

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**I.1. Name and addresses**

Official name: Forsvarsministeriets Materiel- og Indkøbsstyrelse (The Danish Defence Acquisition and Logistics Organization)

National registration number: 16-28-71-80

Postal address: Lautrupbjerg 1-5

Town: Ballerup

NUTS code: DK Danmark

Postal code: 2750

Country: Denmark

Contact person: Martin Mehlsen

E-mail: [fmi-id-slu08@mil.dk](mailto:fmi-id-slu08@mil.dk)

**Internet address(es):**

Main address: <https://www.ethics.dk/ethics/eo#/7587d643-5719-403c-b251-4a8a6c09bcd3/homepage>

Address of the buyer profile: [www.fmi.dk](http://www.fmi.dk)

**I.3. Communication**

The procurement documents are available for unrestricted and full direct access, free of charge, at: <https://www.ethics.dk/ethics/eo#/7587d643-5719-403c-b251-4a8a6c09bcd3/homepage>

Additional information can be obtained from the abovementioned address

Tenders or requests to participate must be submitted electronically via: <https://www.ethics.dk/ethics/eo#/7587d643-5719-403c-b251-4a8a6c09bcd3/homepage>

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

**I.4. Type of the contracting authority**

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

**I.5. Main activity**

Defence

**Section II: Object**

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**II.1. Scope of the procurement****II.1.1. Title**

Consultancy services within engineering.

**II.1.2. Main CPV code**

71318000 Advisory and consultative engineering services

### **II.1.3. Type of contract**

Services

### **II.1.4. Short description**

The Danish Defence Acquisition and Logistics Organization (DALO) is tendering a framework agreement for consultancy services within engineering. The framework agreement will provide DALO with special qualifications for a given assignment. These qualifications will either consist of engineers or technicians whereas the assignments will be within engineering in a broad meaning.

### **II.1.5. Estimated total value**

Value excluding VAT: 60 000 000,00 DKK

### **II.1.6. Information about lots**

This contract is divided into lots: no

## **II.2. Description**

### **II.2.2. Additional CPV code(s)**

72110000 Hardware selection consultancy services, 72220000 Systems and technical consultancy services, 72228000 Hardware integration consultancy services

### **II.2.3. Place of performance**

NUTS code: DK Denmark

### **II.2.4. Description of the procurement**

The supplier will be the primary provider of consultancy services and it is therefore expected that the supplier is able to offer the right qualifications for a given task. This framework agreement is however not exclusive and DALO is not obliged to buy a minimum of consultancy services. The engineering or technician consultancy services will consist of different assignments within following areas:

- Electrical technology,
- Ship engineering,
- Aircraft engineering,
- Machine- and production technology.

### **II.2.5. Award criteria**

Criteria below

Price

### **II.2.6. Estimated value**

Value excluding VAT: 60 000 000,00 DKK

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

Duration in months: 36

This contract is subject to renewal: yes

Description of renewals:

DALO is allowed to extend the framework agreement for 12 (twelve) months.

### **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 framework agreement is not divided into lots on the grounds that a division of the contract would unduly increase the cost of the procurement procedure.

The Agreement is entered into by DALO. However, all divisions of the Danish Ministry of Defence, including all divisions of the Danish Defence subject to the command of the Chief of Defence is entitled to use the Agreement.

## **Section III: Legal, economic, financial and technical information**

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### **III.1. Conditions for participation**

#### **III.1.2. Economic and financial standing**

List and brief description of selection criteria:

The tenderer must use the European Single Procurement Document (hereafter ESPD — electronic version eESPD) and provide the following information in the eESPD:

Its general yearly turnover for the last 1 (one) financial year to the extent such information is available, cf. Part IV, section B.

Upon request from DALO the tenderer must submit the following documentation:

Annual reports or excerpts hereof or other documentation stating the tenderer's general yearly turnover for the last 1 (one) financial year if publication of annual reports is required under the law of the country in which the tenderer is established, and to the extent such information is available. When groups of entities (e.g. consortiums), including temporary joint ventures, participate in the tender procedure together, the documentation must be provided for each of the participating entities. If the tenderer relies on the economic and financial standing of another entity or entities (e.g. a parent or sister company or a sub supplier), the documentation must equally be provided for each entity or entities. Be advised that DALO at any time during the procurement procedure can request that the tenderer presents the above mentioned documentation if this is deemed necessary to secure that the procurement procedure is conducted correctly. In this situation, DALO will set an appropriate time limit for the submission of the documentation.

Please note that a tenderer may rely on the economic and financial standing of other entities (e.g. a parent or sister company or a sub supplier), irrespective of the legal nature of the relations between the tenderer and the entity or entities on which the tenderer relies. In this case, the tenderer shall ensure that an eESPD from the entity or entities on which the tenderer relies is submitted along with the tenderers own eESPD. The entity or entities' eESPD must equally provide the information listed above.

Minimum level(s) of standards possibly required:

The tenderer must have had a general yearly turnover of at least 15 000 000 DKK in the last 1 financial year. If the turnover is not stated in said currency, DALO will calculate the turnover based on the official exchange rate on the date this notice was published.

If the tenderer is composed of a group of entities (e.g. consortium), including temporary joint ventures, the general yearly turnover is calculated as the sum of all the participants' general yearly turnover in each of the last 1 financial year available.

If the tenderer relies on the economic and financial standing of an entity or entities, the general yearly turnover will be calculated as the sum of the tenderer's general yearly turnover and the entity or entities' general yearly turnover in each of the last 1 financial year available.

### **III.1.3. Technical and professional ability**

List and brief description of selection criteria:

The tenderer must use the European Single Procurement Document (hereafter ESPD — electronic version eESPD) and provide the following information in the eESPD: A list of the most important similar deliveries (references), cf. section II.1.4) and II.2.4), carried out within the past 3 (three) years, prior to the deadline for the request to submission of the offer, cf. Part IV, section C. The list should preferably include a short description of each delivery. The description should include a clear indication of which specific parts of the deliveries that are similar to the services as described in section II.1.4) and II.2.4), of which the tenderer has submitted an offer. The description should also include a description of the tenderers participation/role in the performance of the deliveries. The description should contain information on the date of the deliveries, the size 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 tenderer is asked to provide as much generic information as possible about the delivery), duration and complexity of the service. When specifying the date for the deliveries, the tenderer should state the date of commencement and completion. 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. Only the deliveries (references) performed at the time of the deadline for submission of the offer will be considered when assessing if the minimum requirement for suitability stated below is fulfilled. If the delivery in question is ongoing, it is only the part of the services performed and completed at the time of the deadline for the submission of the offer which will be included in the assessment of the delivery. A tenderer 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 tenderer and the entity or entities on which the tenderer relies. In this case, the tenderer shall ensure that an eESPD from the entity or entities on which the tenderer relies is submitted along with the tenderers own eESPD. The entity or entities' eESPD must equally provide the information listed above. If the tenderer relies on the educational or professional qualifications, or professional experience of another entity or entities in relation to the performance of specific aspects of the services described in section II.1.4) and II.2.4) of which the tenderer has submitted an offer, the specific aspects of the services shall be performed by the entity or entities on which the tenderer relies. The tenderer will not be required to present further documentation for the technical and professional capacity (i.e. the information stated in the eESPD is considered sufficient). However, DALO reserves the right to contact the tenderer and /or the recipients of the deliveries in order to verify the information stated in Part IV, section C in the eESPD, including details on the specified dates of the performance of the deliveries.

Minimum level(s) of standards possibly required:

The candidate must demonstrate experience with minimum 3 similar deliveries within the past 3 years, prior to the deadline for the submission of the offer. The information must be stated in the European Single Procurement Document, section IV.C. Similar deliveries shall be interpreted as delivery of consultants to The Danish Defence (including DALO) or other public institutions or similar complex organizations, with a workload of minimum 200 hours or more per delivery and consisting of tasks for engineers and/or technicians within one or more of the following: Electrical technology, ship engineering, aircraft engineering, machine- and production engineering.

## **III.2. Conditions related to the contract**

### **III.2.2. Contract performance conditions**

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. 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. 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.

## **Section IV: Procedure**

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### **IV.1. Description**

#### **IV.1.1. Type of procedure**

Open procedure

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

The procurement involves the establishment of a framework agreement

Framework agreement with a single operator

#### **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: 13/07/2017 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**

Duration in months: 6 (from the date stated for receipt of tender)

#### **IV.2.7. Conditions for opening of tenders**

Date: 13/07/2017 Local time: 13:01

## **Section VI: Complementary information**

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### **VI.1. Information about recurrence**

This is a recurrent procurement: yes

Estimated timing for further notices to be published:

4 (four) years from this published Contract Notice.

### **VI.2. Information about electronic workflows**

Electronic invoicing will be accepted

### **VI.3. Additional information**

DALO demands that the tenderer and each of the legal entities whose capacities the tenderer relies on undertake joint and several liability for the performance of the contract.

Regarding section IV.2.4): The offer shall be in the language stated in section IV.2.4. However, the tenderer can provide the following requested documentation; references regarding similar deliveries cf. section III.2.3. in Danish. The use of the eESPD is a precondition for participation in the procurement procedure, cf. § 148 of the Public Procurement Act. DALO shall require that the tenderer apply the eESPD as preliminary evidence that the tenderer is not subject to the grounds of exclusion stipulated in §§ 135 and 136 of the said Act, that the tenderer fulfils the minimum requirements for suitability fixed in accordance with § 140, cf. section III.1.3), and how the candidate fulfils the objective and non-discriminatory criteria of selection, cf. § 145(2), cf. section II.2.9). The tenderers and, if relevant, the participants in the group of entities and/or supporting entities, must use the electronic version of the ESPD (eESPD). DALO has prepared an eESPD (an XML-file) available at ETHICS. DALO strongly encourages the tenderer to use this XML-file when completing the eESPD. The tenderer must upload the XML-file to this website <https://ec.europa.eu/growth/tools-databases/espd/welcome> where the eESPD can be completed and later exported. No other versions than the eESPD must be used. Prior to decision on award of the contract, DALO shall require that the tenderer to whom DALO intends to award the contract presents documentation for the information stated in the eESPD, cf. §§ 151-155 of the said Act. If a tenderer relies on the capacity of other entities, cf. section III.1.3, the tenderer shall upon request provide statements of support or other documentation proving that the tenderer has access to the necessary technical and professional capacity, and that the entity referred to has a legal obligation to the tenderer. If such documentation is not provided, DALO cannot consider the technical and professional capacity of the other entity or entities. DALO has prepared a template to be used to confirm the legal obligation which will be available if the tenderer is asked for documentation regarding information stated in the eESPD. DALO strongly encourages the tenderers to use this form. However, it is emphasized that it is the sole responsibility of the tenderer that the information provided fulfils the requirements. DALO shall exclude a tenderer from participation in the procurement procedure, if the tenderer is subject to one of the compulsory grounds for exclusion in §§ 135 and 136 of the said Act unless the tenderer has provided sufficient documentation that the tenderer is reliable in accordance to § 138 of the said Act. Please note that certain voluntary exclusion grounds in Directive 2014/24/EU of the European Parliament and of the Council on public procurement have been made compulsory in § 136 of the said Act. If the same legal entity is a part of or in any other way participates in several offers, e.g. submits his own offer and at the same time participates in a consortium which also submits an offer, the tenderers shall ensure that the same legal entity's participation does not provide for opportunity for mutual coordination of their offers. DALO reserves the right to request the tenderers 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 the remedies provided for in Section 159(5) of the the Danish Act on Public Procurement (act No 1564 of 15.12.2015 — available at [www.retsinformation.dk](http://www.retsinformation.dk)) if applications or offers do not fulfil the formalities of the tender documents.

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

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

Official name: Klagenævnet for Udbud

Postal address: Nævnenes Hus, Toldboden 2

Town: Viborg

Postal code: 8800

Country: Denmark

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

Telephone: +45 72405708

Fax: +45 33307799

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

#### **VI.4.2. Body responsible for mediation procedures**

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

Town: Viborg

Country: Denmark

#### **VI.4.3. 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](http://www.retsinformation.dk)), the following time limits for filing a complaint apply: Complaints regarding public procurements and decisions subject to Title II or III of the Public Procurement Act, which does not concern a candidate not being invited to tender, 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, cf. § 2(2) or § 171(4) of the Public Procurement Act, 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. § 185(2) of the Public Procurement Act. 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.4.4. 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](mailto:kfst@kfst.dk)

Telephone: +45 41715000

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

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

08/06/2017