

Denmark-Ballerup: Pyrotechnics

OJ S 123/2017 30/06/2017

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 Defence Acquisition and Logistics Organization

Postal address: Lautrupbjerg 1-5

Town: Ballerup

Postal code: 2750

Country: Denmark

Contact person: Kammeradvokaten

For the attention of: Jesper Nørgaard Kristensen

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

#### Internet address(es):

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

Electronic access to information: [http://eu.eu-supply.com/app/rfq/rwlentrance\\_s.asp?PID=189448&B=KA](http://eu.eu-supply.com/app/rfq/rwlentrance_s.asp?PID=189448&B=KA)

[PID=189448&B=KA](http://eu.eu-supply.com/app/rfq/rwlentrance_s.asp?PID=189448&B=KA)

Electronic submission of tenders and requests to participate: [http://eu.eu-supply.com/app/rfq/rwlentrance\\_s.asp?PID=189448&B=KA](http://eu.eu-supply.com/app/rfq/rwlentrance_s.asp?PID=189448&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

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

Framework agreement regarding acquisition of pyrotechnics.

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

Supplies

Purchase

NUTS code DK Danmark

### **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 50 000 000 and 150 000 000 DKK

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

The framework agreement covers DALO's need for Pyrotechnics. The framework agreement covers mandatory and supplementary items and supplementary services. The tenderer must be able to deliver the following mandatory items; Trip Flare, 40mm handheld illuminating rocket, Hand-Thrown Thunderflash ("Firecracker"), CS Out Door Grenade, CS Indoor Grenade, Sound & Flash 1-Bang, Sound & Flash 1-Bang Training, Smoke Handgrenade, 26.5 mm Signal cartridge, Emergency (Distress) Signal, Day and Night.

The delivery terms shall be either FCA INCOTERMS 2010 or DAP INCOTERMS 2010. This will be assessed by DALO in connection with the tender evaluation. Further information regarding this assessment will be given to the prequalified tenderers.

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

39225500 Pyrotechnics

### **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 50 000 000 and 150 000 000 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. 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. Other particular conditions to which the performance of the contract is subject, in particular with regard to security of supply and security of information**

Candidates are specifically made aware that it will be a condition precedent for signing the contract that the tenderer has entered into an Industrial Co-operation Contract with the Danish Business Authority (Erhvervsstyrelsen). Guidelines for industrial co-operation in Denmark are available at:

<https://danishbusinessauthority.dk/sites/default/files/guidelines-for-industrial-cooperation-in-denmark.pdf>

Prequalified tenderers will be informed about the specific terms of the Industrial Co-operation 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: 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 no. 1564 of 15.12.2015 — The Public Procurement Act.

### **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: Annual reports or excerpts hereof or other documentation stating the candidate's annual turnover for the last 3 financial years, if

publication of annual reports is required under the law of the country in which the candidate is established, and to the extent such information is available.

Minimum level(s) of standards possibly required: The candidate must have had an annual turnover of at least 25 000 000 DKK in each of the last 3 financial years. 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 candidate is composed of a group of entities (e.g. consortium), including temporary joint ventures, the annual turnover is calculated as the sum of all the participants annual turnover in each of the last 3 financial years available.

Please note that a candidate 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 candidate and the entity or entities on which the candidate relies.

If the candidate relies on the economic and financial standing of an entity or entities, the annual turnover will be calculated as the sum of the candidate's annual turnover and the entity or entities' annual turnover 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 containing the most significant equivalent deliveries carried out over the past five (5) 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, — the recipients of the deliveries, including whether or not the recipient in question is a NATO member state. This shall not necessarily include the specific name of the NATO member state, however specific names/countries are preferred, but does not necessarily has be included; if no country specific information is included the candidate is asked to provide as much generic information as possible about the delivery)

For further information regarding the content of the list, please see the information stated in the Prequalification Questionnaire, cf. section IV.3).

### **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 contract/purchases described in section II.1.5) above, in terms of the nature and quantity of the previous deliveries. DALO will in this context, in particular, attach importance to the following when evaluating the references: The extent to which the candidate has demonstrated previous experience with (in prioritized order):

- Deliveries across the 11 mandatory ammunition types.
- Deliveries to NATO countries across the 11 mandatory ammunition types.
- Total quantity (number of rounds/items) of deliveries across the 11 mandatory ammunition types.

#### **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 yes

#### **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 092-165045](#) of 13.5.2016

###### **Other previous publications**

Notice number in the OJ S: [2016/S 100-178764](#) of 26.5.2016

Notice number in the OJ S: [2016/S 106-189010](#) of 3.6.2016

##### **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**

23.8.2017 - 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**

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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.

Tenderers are expressly made aware that DALO reserves the right to regard the INDO as a best and final offer (BAFO) and to close the tender procedure and award the Contract on the basis of the submitted INDO, ie. without conducting any negotiations.

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 no. 1564 of 15.12.2015, the Public Procurement Act, if applications or tenders do not fulfil the formalities of the tender documents. 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 via the electronic tendering system, cf. the link stated in section I.1).

According to the EU defence directive, a candidate may rely on the economic and financial standing and/or 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 prequalification questionnaire referred to above.

Candidates are asked to submit their request to participate via EU-Supply. The permalink is stated in section I.1).

All communication must be through the electronic tendering system.

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](mailto:dksupport@eu-supply.com), or telephone (+45) 70 20 80 14.

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

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

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

Postal address: Nævnets Hus, Toldboden 2

Town: Viborg

Postal code: 8800

Country: Denmark

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

Telephone: +45 72405708

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

#### **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 (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 no. 1564 of 15.12.2015 — available at [www.retsinformation.dk](http://www.retsinformation.dk)).

#### **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

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

Telephone: +45 41715000

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

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

28.6.2017