

Norway-Kjeller: Firefighting vehicles

OJ S 121/2020 25/06/2020

**Contract award notice for contracts in the field of defence and security
Supplies**

Directive 2009/81/EC

Section I: Contracting authority/entity

I.1. Name and addresses

Official name: Forsvaret v/Forsvarets logistikkorganisasjon [the Norwegian Armed Forces c/o the Norwegian Defence Logistics Organisation]

Postal address: Fetveien 80-84, 2007 Kjeller

Town: Kjeller

Postal code: 2007

Country: Norway

For the attention of: Øystein Edvard Kvalheim

E-mail: oykvalheim@mil.no

I.2. Type of the contracting authority

Body governed by public law

I.3. Main activity

Defence

I.4. Contract award on behalf of other contracting authorities

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**

Prior Information Notice of Award of Framework Agreement to Egenes Brannteknikk AS

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

Supplies

Purchase

Main site or place of performance: Throughout Norway, particularly Bardufoss, Banak, Kjeller, Ørlandet, Andenes, Jan Mayen, Rygge, Kjevik and Haakonvern in Bergen.

NUTS code NO Norge

II.1.3. Information about framework agreement

The procurement involves the establishment of a framework agreement

II.1.4. Short description of the contract or purchase(s)

The Norwegian Defence Logistics Organisation, Strategic Procurement ('FLO SA'), hereby announced their intention to award Framework agreement 4600001640: workshop services, spare parts and technical support, fire truck additions directly to Egenes Brannteknikk AS, cf. FOSA § 9-4, cf. FOSA § 5-3 letter c, cf. rationale below. The framework agreement will have a duration of 7 years, cf. FOSA §6-1 fourth section and has an estimated value of NOK 48 million over 7 years.

Basis: The Norwegian Armed Forces currently has at their disposal 23 fire trucks, manufactured and delivered by the Austrian company Rosenbauer International A.G ('Rosenbauer') and the Norwegian company Egenes Brannteknikk AS ('Egenes'). Egenes is Rosenbauer's official representative in Norway.

All of the fire trucks are specially adapted for the Norwegian Armed Forces and consist primarily of Rosenbauer products. Rosenbauer has sole rights to these products in the form of a patent.

Furthermore, only Egenes has the right to sell or offer Rosenbauer products in Norway based on a contract between Rosenbauer and Egenes.

After the Norwegian Armed Forces' investigation, other technical fire products from other suppliers will not pass and be compatible with the existing systems and products delivered by Egenes/Rosenbauer. The Norwegian Armed Forces thereby means that the framework agreement part concerning delivery of spare parts can only be used by Egenes, both based on 'technical reasons' and in order to protect Rosenbauer's and Egenes' sole rights related to the material cf. FOSA § 5-3 letter c.

The Norwegian Armed Forces believes that the part of the contract connected to performing service, maintenance, reconstruction and development of technical documentation can only be performed by Egenes, cf. FOSA § 5-3 letter c. The Norwegian Armed Forces' assessments indicate that only Egenes in Norway has the necessary know-how, knowledge and tools required to carry out the maintenance and rebuilding of the 23 specially designed fire trucks for the Norwegian Armed Forces. Egenes and Rosenbauer have collaborated since the start of the 90s for delivery of fire additions and other technical fire solutions on fire trucks delivered to businesses in Norway. Furthermore, the companies have approx. 20 years of experience related to delivery, reconstruction and product development of fire trucks suitable for the defence sector's special needs and requirements. Furthermore, since the start of the 2000s, the companies have cooperated with Norsk Scania AS, the manufacturer of the chassis that the fire additions and the technical fire solutions used by the Norwegian Armed Forces are mounted on.

The knowledge, experience and know-how discussed above is something a supplier must possess in order to perform the necessary maintenance and service on the fire trucks within very short deadlines.

Based on the above, FLO SA means that there is legal basis in FOSA § 5-3 letter c to award new framework agreements concerning workshop services, delivery of spare parts and technical support to the Norwegian Armed Forces' fire trucks with Egenes Brannteknikk AS, cf. FOSA § 5-3 letter c. Contract signing will take place after the ten day waiting period expires, cf. the Public Procurement Act § 13 second section, cf. FOSA § 9-4. The deadline begins the day after this notice, so that contract signing occurs at the earliest on 3 July 2020.

II.1.5. CPV code(s)

34144210 Firefighting vehicles, 34320000 Mechanical spare parts except engines and engine parts, 50100000 Repair, maintenance and associated services of vehicles and related equipment

II.2. Total value of the contract/lot

II.2.1. Total value of the contract/lot

Value: 48 000 000,00 NOK
excluding VAT

Section IV: Procedure

IV.1. Type of procedure

Negotiated without publication of a contract notice

Justification for the award of the contract without prior publication of a call for competition in the Official Journal of the European Union

Directive 2009/81/EC

1) Justification for the choice of the negotiated procedure without publication of a call for competition in accordance with Article 28 of Directive 2009/81/EC

No tenders or no suitable tenders/requests to participate in response to: negotiated procedure with prior call for competition

The works, supplies or services can be provided only by a particular economic operator for the following reason: technical, protection of exclusive rights, including intellectual property rights

2) Other justification for the award of the contract without prior publication of a call for competition in the Official Journal of the European Union

The contract has as its object services listed in Annex II B to the directive

IV.2. Award criteria

IV.2.1. Award criteria

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

Section V: Award of contract

Lot title: Framework Agreement for Maintenance, Spare Parts and Technical Support for the Norwegian Armed Forces Fire Trucks

V.1. Date of conclusion of the contract

3.7.2020

V.2. Information about tenders

Number of tenders received: 1

V.3. Name and address of the contractor

Official name: Egenes brannteknikk AS

Postal address: Nulandsveien 3

Town: Flekkefjord

Postal code: 4405

Country: Norway

V.4. Information on value of the contract/lot

Initial estimated total value of the contract/lot:

Value: 48 000 000,00 NOK

excluding VAT

Total value of the procurement:

Value: 48 000 000,00 NOK

excluding VAT

If annual or monthly value:

Number of years: 7

V.5. Information about subcontracting

The contract is likely to be subcontracted: no

Section VI: Complementary information

VI.1. Information about European Union funds

The procurement is related to a project and/or programme financed by European Union funds:
no

VI.2. Additional information

VI.3. Procedures for review

VI.3.1. Review body

Official name: Nedre Romerike Tingrett [District Court]

Town: Postboks 393, 2001 Lillestrøm

Postal code: 393

Country: Norway

VI.3.2. Review procedure

Precise information on deadline(s) for review procedures: 3 July 2020

VI.3.3. Service from which information about the review procedure may be obtained

Official name: FLO SA

Town: Fetveien 80-84

Postal code: 2007, Kjeller

Country: Norway

VI.4. Date of dispatch of this notice

24.6.2020