

**Denmark-Ballerup: Architectural, construction, engineering and inspection services**

OJ S 132/2018 12/07/2018

Contract notice

Services

**Legal Basis:**

Directive 2014/24/EU

**Section I: Contracting authority**

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**I.1. Name and addresses**

Official name: Danish Defence Acquisition and Logistics Organization (DALO)

National registration number: 16287180

Postal address: Lautrupbjerg 1-5

Town: Ballerup

NUTS code: DK02 Sjælland

Postal code: 2750

Country: Denmark

Contact person: Assistant Attourney Steffie Vilsgaard Mortensen

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

Telephone: +45 72814000

**Internet address(es):**Main address: [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: [http://eu.eu-supply.com/app/rfq/rwlenrance\\_s.asp?PID=215826&B=KA](http://eu.eu-supply.com/app/rfq/rwlenrance_s.asp?PID=215826&B=KA)

Additional information can be obtained from the abovementioned address

Tenders or requests to participate must be submitted electronically via: [http://eu.eu-supply.com/app/rfq/rwlenrance\\_s.asp?PID=215826&B=KA](http://eu.eu-supply.com/app/rfq/rwlenrance_s.asp?PID=215826&B=KA)

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 the area of Special Container Production

**II.1.2. Main CPV code**

71000000 Architectural, construction, engineering and inspection 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 covering consultancy services to solve various tasks within engineering and technical support within the area of special container production. The consultant shall have expert knowledge within the special container area, and primarily support DALO with an ongoing procurement project (CONRAM).

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

Value excluding VAT: 12 000 000,00 DKK

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

This contract is divided into lots: no

### **II.2. Description**

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

34221000 Special-purpose mobile containers, 44613000 Large containers, 71300000 Engineering services, 71310000 Consultative engineering and construction services, 71318000 Advisory and consultative engineering services, 71330000 Miscellaneous engineering services, 79100000 Legal services, 79130000 Legal documentation and certification services

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

NUTS code: DK0 Danmark

Main site or place of performance: The main place of performance is DALO's premises in Ballerup, Denmark, cf. section I.1), but the Consultant shall also be prepared to visit production facilities abroad.

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

The Framework Agreement covering consultancy services is put out for tender in connection with an ongoing procurement project, where a series of various container systems for the use of the Danish Defence are put out for tendering (Project CONRAM).

The Consultant is to provide 5 key persons and other engineers/technicians and technical designers, in solving the demands from DALO. The consultant shall provide various solutions to different assignments within the specific area of expertise specified in the service requirements. The consultant shall have expert knowledge within special container systems, and primarily support DALO within the areas mentioned below regarding the various types of special containers:

- 1) Preparation of requirements specifications,
- 2) Preparation of container designs, construction and production,
- 3) Legal counseling related to container constructions.

In addition, the consultant shall provide general support to the container section in DALO (CONELM) with special knowledge in relation to the above mentioned as well as support with selected tasks in the daily production.

The consultant shall be able to produce full requirements specifications for complex container solutions in order to put these solutions out for tender to external suppliers/producers of special container systems. This process includes translation of operational requirements into technical requirements, description of market conformity requirements, end-user guidance regarding technical limitations/possibilities, project management within technical matters, technical quality control etc.

The consultant shall be able to design and produce manufacturing base for the use of in-house production and/or modification of special containers at the Danish Defence's own

production facilities. This process includes translation of operational requirements into the final product produced in-house. The process involves choice of materials both within existing components as well as new components, technical quality control, making of technical documentation, technical dossier, risk assessment etc.

The consultant shall master and use current law and rules within all aspects related to technical requirements, development, production and use of special containers for the Danish Defence. Examples are relevant STANAGS, directives, conventions, regulations, guides, executive orders within for instances: electricity, machines, working environments, CSC, air-conditioning, buildings, painting etc. This know-how is a precondition to fulfil the two above-mentioned demands.

Please note, that in general, the container systems are to be used in all different kinds of terrain and will experience harsh treatment as it is part of the equipment used by the Danish Defence. The special container systems are intended to be used across the different services in the Danish Defence, both domestic and international and with short notice. The container systems are through their lifetime intended to be continuously moved to locations where needed and will be used both in training as well as in national and international operations. Further, please note, that special requirements regarding facility service security clearance and personal level security clearance is set forth in section III.1.3) and section VI.3), respectively. DALO urges the candidates to submit an application for facility service security clearance as fast as possible, as the processing of the application may take some time. In order to carry out services under the agreement, DALO needs 5 Key Persons, and the tenderers shall provide CV's for each of these Key persons. Please note, that it is a condition in the Agreement, that these 5 Key persons shall perform at least 80 per cent of the services under the Agreement. The remaining part (up to 20 per cent) may be performed by the supplier's other staff (or the 5 Key Persons).

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

Price is not the only award criterion and all criteria are stated only in the procurement documents

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

Value excluding VAT: 12 000 000,00 DKK

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

Duration in months: 48

This contract is subject to renewal: no

#### **II.2.9. 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 an evaluation of which candidates have documented the most relevant previous deliveries in comparison to the contract described in section II.1.4) and section II.2.4) above, in terms of the nature and quantity of the previous deliveries. The evaluation will be based on the list submitted by the candidates in the European single procurement document (ESPD) according to section III.1.3). Candidates should note, that it will be considered positive if references pertain to experience with special containers in a military context. Furthermore, it will be considered positive, if the recipient is a NATO member state. 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.

#### **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 Agreement is not divided into lots on the grounds that a division of the contract would undermine the economies of scale obtainable by procuring one agreement.

The Agreement is entered into by DALO. However, all divisions of the Danish Ministry of Defence, including all units 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 candidate must use the European single procurement document (electronic version, hereafter ESPD) and provide the following information in the ESPD:

Its general yearly turnover for the last 2 financial years to the extent such information is available, cf. Part IV, section B.

Its equity ratio (calculated by dividing the candidate's equity with the candidate's total assets (equity/total assets x 100) at the end of the last 2 financial years, 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 candidate's general yearly turnover for the last 2 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. 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 candidate 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.

Annual reports or excerpts hereof or other documentation stating the candidate's equity ratio (calculated by dividing the candidate's equity with the candidate's total assets (equity/total assets x 100) at the end of the last 2 financial years, 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 candidate 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 candidate 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 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. In this case, the candidate shall ensure that an ESPD from the entity or entities on which the candidate relies is submitted along with the candidate's own ESPD. The entity or entities' ESPD must equally provide the information listed above.

Minimum level(s) of standards possibly required:

The candidate must have had a general yearly turnover of at least 12 000 000 DKK in each of the last 2 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 general yearly turnover is calculated as the sum of all the participants' general yearly turnover in each of the last 2 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 2 financial years available. The candidate must have had an equity ratio of at least 25 percent for each of the last 2 financial years. The equity ratio is calculated by dividing the candidate's equity with the candidate's total assets (equity/total assets x 100).

If the candidate is composed of a group of entities (e.g. consortium), including temporary joint ventures, the equity ratio is calculated by dividing the sum of all the participants' equities with the sum of all the participants' total assets (sum of equity/sum of total assets x 100) in each of the last 2 financial years available.

If the candidate relies on the economic and financial standing of an entity or entities, the equity 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 equity/sum of total assets x 100) in each of the last 2 financial years available.

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

List and brief description of selection criteria:

The candidate must use the European single procurement document (electronic version, hereafter ESPD) and provide the following information in the ESPD:

A list of the most important similar deliveries (references), cf. section II.1.4) and II.2.4), carried out within the past 3 years, prior to the deadline for the request to participate, 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). The description should also include a description of the candidate's participation/role in the performance of the deliveries. The description should contain information on the date of the deliveries, the size/quantity/volume 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 whether the delivery pertains to a military context. When specifying the date for the deliveries, the candidate 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 the request to participate will be considered when assessing if the minimum requirement for suitability stated below is fulfilled/which candidate has documented the most relevant previous deliveries, cf.

section II.2.9). If the delivery in question is ongoing, it is only the part of the services carried out within the past 3 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 services has not been carried out within the past 3 years, or if a part of the services 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 size, value, quantity or volume etc.) of an ongoing delivery (reference) that has been carried out within the past 3 years.

The list must contain a minimum of 1 and a maximum of 5 previous deliveries whether the candidate is one entity, composed of a group of entities (e.g. consortium), including temporary joint ventures, or relies on the technical and professional capacity of other entities. If the list contains more than 5, DALO will only consider the first 5 deliveries on the list. Deliveries beyond this number will be disregarded.

If the candidate 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), which the candidate has requested to participate, the specific aspects of the services shall be performed by the entity or entities on which the candidate relies.

The candidate will not be required to present further documentation for the technical and professional capacity (i.e. the information stated in the ESPD is considered sufficient). However, DALO reserves the right to contact the candidate and/or the recipients of the deliveries in order to verify the information stated in Part IV, section C in the ESPD, 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 as a minimum 1 similar delivery within the past 3 years, prior to the deadline for the request to participate. The meaning of "similar delivery" is deliveries comparable to the contract described in section II.1.4) and section II.2.4) above, in terms of the nature and quantity of the previous deliveries.

The candidate must hold or have submitted an application for a facility service security clearance at the level of NATO – Confidential (or Danish level "fortroligt") or higher at the time of expiry of the deadline for pre-qualification application. In case a candidate has not obtained or applied for a facility security clearance within the time of expiry of the deadline for pre-qualification, the candidate is excluded from participation. In case a candidate has submitted an application before the time of expiry of the deadline for pre-qualification application, and it later turns out that the application is not approved, the candidate is excluded from participation. Information about the application for or holding of facility service security clearance must be provided in connection with the description of previous deliveries in Part IV, section C in the ESPD.

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

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

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 electronic invoicing. Exact terms are stated in the contract.

No particular legal form is required. If the Agreement is awarded to a group of suppliers (e.g. a consortium), the participants shall undertake joint and several liabilities and to appoint one supplier to represent the group.

The Agreement must be conducted in consideration of Corporate social responsibility (CSR) and it contains a labour clause. See App. B for further information.

DALO demands that any person taking part in the performance of the Agreement must possess the appropriate personnel security clearance at the level required by DALO. The security clearance must be maintained throughout the term of the Agreement. See App. 3 for further details.

### **III.2.3. 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

## **Section IV: Procedure**

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

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

Competitive procedure with negotiation

#### **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.1.5. Information about negotiation**

The contracting authority reserves the right to award the contract on the basis of the initial tenders without conducting negotiations

#### **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: 27/08/2018 Local time: 12:00

#### **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**

Danish, 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)

## **Section VI: Complementary information**

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

This is a recurrent procurement: no

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

Electronic ordering will be used

Electronic invoicing will be accepted

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

DALO demands that the candidate and each of the legal entities whose economic and financial capacities the candidate relies on undertake joint and several liability for the performance of the Agreement.

The use of the ESPD is a precondition for participation in the procurement procedure, cf. § 148 of the Public Procurement Act. DALO shall require that the candidate apply the ESPD as preliminary evidence that the candidate is not subject to the grounds of exclusion stipulated in §§ 135, 136 and 137(1)(2) of the said Act, that the candidate fulfils the minimum requirements for suitability fixed in accordance with § 140, cf. section III.1.2) and 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 candidates and, if relevant, the participants in the group of entities and/or supporting entities, must use the electronic version of the ESPD. DALO has prepared an ESPD (an XML-file) available at the electronic tendering system. DALO strongly encourages the candidate to use this XML-file when completing the ESPD. The candidate must upload the XML-file to this website <https://ec.europa.eu/growth/tools-databases/espd/welcome> where the ESPD can be completed and later exported. No other versions than the EPSD must be used.

Prior to decision on award of the Agreement, DALO shall require that the tenderer to whom DALO intends to award the Agreement presents documentation for the information stated in the ESPD, cf. §§ 151-155 of the said Act. If a candidate relies on the capacity of other entities, cf. section III.1.2 and III.1.3, the candidate shall upon request provide statements of support or other documentation proving that the candidate has access to the necessary economic and financial standing and/or technical and professional capacity, and that the entity referred to has a legal obligation to the candidate. If such documentation is not provided, DALO cannot consider the economic and financial standing and/or 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 is available at the electronic tendering system. DALO strongly encourages the candidates to use this form. However, it is emphasized that it is the sole responsibility of the candidate that the information provided fulfils the requirements.

DALO shall exclude a candidate from participation in the procurement procedure, if the candidate is subject to one of the compulsory grounds for exclusion in §§ 135 and 136 or the voluntary ground of exclusion in § 137(1)(2) of the said Act unless the candidate has provided sufficient documentation that the candidate is reliable in accordance to § 138 of the said Act. Please note that certain voluntary exclusion grounds in Directive 2014/24/EU on public procurement have been made compulsory in § 136 of the said Act.

Please note, that the 5 Key persons must have obtained or have submitted an application for a personal level security clearance at level of NATO – Confidential (or Danish level “fortroligt”) or higher no later than the time of expiry of the deadline for first indicative offer. In case the 5 Key Persons have not obtained or applied for a personal level security clearance within the time of expiry of the deadline for first indicative offer, it will result in a non-compliant offer, which must be rejected. In case an application is submitted before the time of expiry of the deadline for first indicative offer, and it later turns out that the application is not approved, it will result in a non-compliant offer, which must be rejected.

Regarding section VI.1) it is noted, that DALO expects to carry out one equivalent tender of consultancy service in order to complete the ongoing procurement project referred to in section II.2.4).

#### **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@naevneneshus.dk](mailto:klfu@naevneneshus.dk)  
Telephone: +45 72405708  
Internet address: <https://erhvervsstyrelsen.dk/klagevejledning-0>

#### **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 2.6.2016 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, 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**

10/07/2018