

**Denmark-Ballerup: Installation services of electrical and mechanical equipment**  
**OJ S 124/2019 01/07/2019**  
**Contract award notice for contracts in the field of defence and security**  
**Services**

**Directive 2009/81/EC**

**Section I: Contracting authority/entity**

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**I.1. Name and addresses**

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

Postal address: Lautrupbjerg 1-5

Town: Ballerup

Postal code: 2750

Country: Denmark

For the attention of: Nikolaj Lysebjerg Hansen

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

Telephone: +45 61245133

**Internet address(es):**

General address of the contracting authority/entity: [www.fmi.dk](http://www.fmi.dk)

**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**

**Section II: Object of the contract**

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**II.1. Description**

**II.1.1. Title**

Amendment No 4 to Contract No 4600003156 Regarding Series Production of MLU, Integration of ATCN and Spare/Repair to Leopard 2 System Denmark

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

Services

Service category No 3: Defence services, military defence services and civil defence services

NUTS code DE Deutschland

**II.1.3. Information about framework agreement**

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

The contract concerns an amendment to a contract previously entered by the Danish Defence Acquisition and Logistics Organization (DALO) and Krauss-Maffei Wegmann GmbH and Co. KG, cf. contract award notice number [2016/S 248-456487](#). The original contract comprised the performance of a series production of a Midlife Update (hereafter 'MLU') on 38 units of main battle tanks of Leopard 2 System Denmark (hereafter 'MBTs'). This amendment expands the scope of the original contract primarily by expanding the number of MBTs from 38 to 44 and by introducing minor modifications to the services that

shall be performed to the MBTs. The value of the original contract value was 112 605 780,00 EUR. The total value of the amended contract is 143 864 480,00 EUR, whereby the value of this amendment is 31 258 700,00 EUR. The value in Section II.2.1 and V.4 thus comprises the value of this amendment.

The MLU comprises among other things the following topics/services:

- increase of fire power,
- increase of overall protection,
- increase of mobility,
- integration of Danish Armies tactical communications network,
- implementation of battlefield experiences,
- improvement of ergonomics and handling of obsolescence items, and
- various maintenance and repair services.

Furthermore, the MLU will prepare the MBTs for additional upgrades.

Out of the 44 MBTs, 16 units shall be updated to Leopard 2 A7 L55 A1 DNK MBT, while the remaining 28 units shall be updated to Leopard 2 A7 L44 DNK MBT.

#### **II.1.5. CPV code(s)**

51100000 Installation services of electrical and mechanical equipment, 51300000 Installation services of communications equipment, 50600000 Repair and maintenance services of security and defence materials, 35411100 Main battle tanks

#### **II.2. Total value of the contract/lot**

##### **II.2.1. Total value of the contract/lot**

Value: 31 258 700,00 EUR  
excluding VAT

### **Section IV: Procedure**

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#### **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

All tenders submitted in reply to an open procedure, a restricted procedure or competitive dialogue were irregular or unacceptable. Only those tenderers were included in the negotiations which have satisfied the qualitative selection criteria: no

The periods for the restricted procedure and the negotiated procedure with prior publication of a contract notice are incompatible with the urgency resulting from a crisis: no

Extreme urgency brought about by events unforeseeable by the contracting authority/entity and in accordance with the strict conditions stated in the directive: no

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

The contract concerns research and development services other than those referred to in Article 13 of Directive 2009/81/EC: no

The products involved are manufactured purely for the purpose of research, experiment, study or development under the conditions stated in the directive: no

Additional deliveries by the original supplier ordered under the strict conditions stated in the directive: no

Procurement of supplies quoted and purchased on a commodity market: no

New works/services, constituting a repetition of existing works/services and ordered in accordance with the strict conditions stated in the directive: no

Contract related to the provision of air and maritime transport services for the armed forces of a Member State deployed or to be deployed abroad, under the strict conditions stated in the directive: no

The Danish Defence Acquisition and Logistics Organization (DALO) has assessed that, for technical reasons and for reasons connected with the protection of exclusive rights, the contract may be awarded only to a particular economic operator; that is Krauss-Maffei Wegmann GmbH and Co KG. It is thus DALO's view that there are no other entities that can carry out this task. The reason for this is, among other things, the following:

- 1) It is a prerequisite that the supplier has access to (and is full familiar with) the drawings, etc. of the Leopard 2 System Denmark, which only Kraus-Maffei Wegmann GmbH and Co KG has;
- 2) It is a prerequisite that the supplier has full knowledge about and insight in the requirements and the integration of the relevant software and hardware components, which only Kraus-Maffei Wegmann GmbH and Co KG has. Furthermore, Kraus-Maffei Wegmann GmbH and Co KG has the exclusive rights to several of these components;
- 3) It is a requirement that the supplier undertakes to provide full guarantee on the MBTs, which only Kraus-Maffei Wegmann GmbH and Co KG will be able to do due to its Framework Agreement with DALO regarding Post Production Support. The MBTs are highly complex systems and due to the dangerous nature of the products, the safety requirements (e.g. regarding weapon systems and maneuverability) are extremely high. Therefore, the fulfilment of the mentioned prerequisites/requirement is of paramount importance.

## **IV.2. Award criteria**

### **IV.2.1. Award criteria**

### **IV.2.2. Information about electronic auction**

## **IV.3. Administrative information**

### **IV.3.1. File reference number attributed by the contracting authority**

### **IV.3.2. Previous publication concerning this procedure**

no

## **Section V: Award of contract**

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### **V.1. Date of conclusion of the contract**

26.6.2019

### **V.2. Information about tenders**

### **V.3. Name and address of the contractor**

Official name: Krauss-Maffei Wegmann GmbH and Co. KG

Postal address: Kraus-Maffei-Str. 11

Town: Munich

Postal code: 80997

Country: Germany

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

Total value of the procurement:

Value: 31 258 700,00 EUR

excluding VAT

**V.5. Information about subcontracting**

The contract is likely to be subcontracted: yes

Value or proportion likely to be subcontracted to third parties:

Not known

**Section VI: Complementary information**

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**VI.1. Information about European Union funds****VI.2. Additional information****VI.3. Procedures for review****VI.3.1. Review body**

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

Postal address: Toldboden 2

Town: Viborg

Postal code: 8800

Country: Denmark

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

Telephone: +45 35921095

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

**VI.3.2. Review procedure****VI.3.3. 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 Jakobsens 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.4. Date of dispatch of this notice**

26.6.2019