

Denmark-Ballerup: Boots
OJ S 108/2022 07/06/2022
Contract notice
Supplies

Legal Basis:
Directive 2014/24/EU

Section I: Contracting authority

I.1. Name and addresses

Official name: The Danish Ministry of Defence Acquisition and Logistics Organisation
National registration number: 16287180
Postal address: Lautrupbjerg 1
Town: Ballerup
NUTS code: DK012 Københavns omegn
Postal code: 2750
Country: Denmark
Contact person: Gert Larsen
E-mail: fmi-la-wud09@mil.dk
Telephone: +45 72814789
Internet address(es):
Main address: 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=333200&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=333200&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

II.1. Scope of the procurement

II.1.1. Title

Framework agreement regarding purchase of Desert Boot
Reference number: 4019395

II.1.2. Main CPV code

18815000 Boots

II.1.3. Type of contract

Supplies

II.1.4. Short description

The Danish Defence Acquisition and Logistics Organization(DALO) wishes to renew the contracts concerning the Military Combat Boot System which is the soldier's primary footwear during daily training, exercise and work, but also during extended combat operations. The system consists of five primary boots divided into 5 lots, where this contract notice concerns LOT 3, Desert Boot. The remaining boots (LOT 1-2 and 4-5) will be tendered by separate contract notices.

II.1.5. Estimated total value

Value excluding VAT: 44 000 000,00 DKK

II.1.6. Information about lots

This contract is divided into lots: no

II.2. Description

II.2.2. Additional CPV code(s)

18815000 Boots

II.2.3. Place of performance

NUTS code: DK0 Danmark

II.2.4. Description of the procurement

DALO intends to award a framework agreement to one supplier regarding purchases of Desert Boots.

DALO is seeking specialized boots for equipping soldiers deployed to desert climates and environments. The Desert Boot is intended to be used for operations in the following climate NATO zones (AECTP-23 – Climate conditions); Primary A1, A2 and M1, and secondary A3 and B3. The Primary terrain is sand, coasts, and dust covered stone chippings. Key words for the boot's functionality are breathability, minimal excess heat, rugged sole.

The Desert Boots must be able to withstand the use that normally occur during a mission, including the build-up phase. This corresponds to a minimum of 18 months of intensive use.

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: 44 000 000,00 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: 5
Objective criteria for choosing the limited number of candidates:

For the purpose of achieving the best possible competition, DALO will choose a number of candidates for participation in the tender procedure based on the candidates' size. Thus, the candidates will be divided into the following groups of enterprises based on information about the candidate's size: micro, small, medium-sized or large enterprises. The definition of the said groups is partly based on the Commission Recommendation of 6 May 2003(2003/361/EC) and is described in full detail in the document "Additional information", which is located at the

electronic tendering system, cf. section I.3). It is the definition described in the said document that is applicable.

Thus, DALO intends to choose:

up to 3 candidate which are micro or small enterprise (group1); and

up to 2 candidates which are medium-sized or large enterprises (group 2);

The number of candidates assigned to each group is based on a market survey that DALO has conducted.

If DALO receives fewer applications for participation within a group than the number of candidates DALO has assigned to that particular group, DALO will not invite additional candidates from other groups.

However, DALO will deviate from this rule if this is necessary to be able to invite five candidates to the tender procedure.

In this case, DALO will apply the principles for limitation of candidates as described below on the remaining candidates until a total of five candidates are invited to participate. For illustration purposes see example hereof in the document "Additional information".

The candidate must in the ESPD, Part V: Reduction of the number of qualified candidates, state in the textbox for further information, which group of enterprise the candidate is defined as. See further information in the document "Additional information".

The limitation of candidates within each group of enterprises will be based on the following criteria, where the first criterion is weighted higher than the second:

- Firstly, DALO will assess which candidates have documented the most relevant previous deliveries in comparison to the contract/purchases described in section II.1.4) and section II.2.4) above. In the evaluation, DALO will take into account the nature and quantity of the previous deliveries and the time of delivery so that more recent deliveries will be deemed more relevant than older deliveries. Especially, it will be rated positively that candidates present deliveries of similar high quality as the products tendered for, and deliveries of similar quantities (above 500 pairs), to customers with similar needs and use of the products as the Danish Defence, including customers with similar outdoor needs.

- Secondly (and thereby subsidiary to references), DALO will conduct an evaluation of which candidate have demonstrated the highest degree of maturity in their setup of product manufacturing and development that the candidate may use in the performance of the Contract. In the assessment of which candidates have documented the highest degree of maturity it is rated positively if the candidate has a development capacity in place and is able to make adaptations to already made product designs based on DALO's requests.

The evaluation will be based on the information submitted by the candidates in the European Single Procurement Document (ESPD) according to section III.1.3). 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 framework 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 framework agreement.

Section III: Legal, economic, financial and technical information

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 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 latest financial year, to the extent such information is available, cf. Part IV, section B.

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

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 financial year, 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 positive (above zero) equity ratio for the latest financial year. 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 the last financial year 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 the last financial year available.

III.1.3. Technical and professional ability

List and brief description of selection criteria:

The candidate must submit the ESPD with the following information:

1. A list of up to five of the most important similar deliveries(references), cf. section II.1.4) and II.2.4), in regard to the lot or lots in respect of which the candidate has requested to participate, carried out, prior to the deadline for the request to participate, cf. the ESPD Part IV, section C.

2. A description of their setup of product manufacturing and development in the ESPD, part V. Ad 1) The list should preferably include a short description of each delivery. The description of the deliveries should include a clear indication of which specific parts of the deliveries that are similar to the products as described in section II.1.4) and section II.2.4), including the candidate's participation/role in the performance of the deliveries. The description should also 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). When specifying the date for the deliveries, the candidate should state the date for the commencement and completion of the deliveries. 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 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 supplies 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 supplies 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.

Ad 2) the description should preferably include the candidate's development capacity, including whether it has an in-house development capacity and how the development capacity can be utilized for the performance of this Contract.

A candidate 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 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's or entities' ESPD must equally provide the information listed above.

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 section II.2.4), the specific aspects of the services shall be performed by the entity or entities on which the candidate relies.

See further information in the document "Additional information" available on the digital tendering system, cf. section I.3)

III.2. Conditions related to the contract

III.2.2. Contract performance conditions

Reference is made to the procurement 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 electronic invoicing. Exact terms are 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 shall undertake joint and several liabilities and to appoint one supplier to represent the group.

The framework agreement must be conducted in consideration of corporate social responsibility (CSR) and it contains a labour clause, please see Appendix B for further information.

Section IV: Procedure

IV.1. Description

IV.1.1. Type of procedure

Restricted 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: 12/07/2022 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

Danish, English

IV.2.6. Minimum time frame during which the tenderer must maintain the tender

Duration in months: 8 (from the date stated for receipt of tender)

Section VI: Complementary information

VI.1. Information about recurrence

This is a recurrent procurement: no

VI.3. Additional information

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 and 136 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 candidate and, if relevant, the participants in the group of entities or/and entities on which the candidate relies on, must use the electronic version of the ESPD available at the digital tendering system. The ESPD shall be fulfilled and submitted at the digital tendering system in accordance with the instructions given by the digital tendering system. The ESPD document must be signed by the supporting entity. It is not necessary for the candidate to sign the ESPD document. If the candidate is a group of entities (consortiums), each participant's ESPD

document must be signed by the participant in question. It is not necessary for the participant submitting the tender to sign his ESPD document.

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 ESPD, cf. §§ 151-155 of the said Act. Please see the document "Additional information", for further information.

Regarding section II.1.5): The estimated value of the framework agreement is DKK 44,000,000 and the maximum value of the framework agreement is DKK 56,000,000. The reason for the difference between the stated values is the uncertainty regarding the final value of the framework agreement, cf. below. Hence, the estimated value constitutes DALO's most qualified estimate of the value of the framework agreement at the present moment, while the maximum value constitutes the maximum value of purchases under the framework agreement in its duration.

The uncertainty regarding the final value of the framework agreement is primarily caused by uncertainty regarding the Danish Defence' operational needs through the duration of the framework agreement, including uncertainty about specific deployments and mission areas in particular, which is not possible to foresee for the entire span of the framework agreement. Thus, changes to the operational needs of the Danish Defence compared to the existing situation and needs may cause a significant larger expenditure on the framework agreement than what is expected at the moment.

An information meeting will be held within 2-3 weeks on Teams. See further information regarding this meeting and the procurement procedure in general in the document "Additional information", which is located at the digital tendering system, cf. section I.3).

VI.4. Procedures for review

VI.4.1. Review body

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

Postal address: Nævnenes Hus, Toldboden 2

Town: Viborg

Postal code: 8800

Country: Denmark

E-mail: klfu@naevneneshus.dk

Telephone: +45 72405600

Internet address: <https://klfu.naevneneshus.dk/>

VI.4.3. Review procedure

Precise information on deadline(s) for review procedures:

Pursuant to the Danish Consolidation Act no. 593 of 2 June 2016 on the Complaints Board for Public Procurement (available at www.retsinformation.dk), the following time limits for filing a complaint apply:

Complaints regarding a candidate not being prequalified 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 an account of the 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. The time limit is calculated from the day after the publication date.

2) 30 calendar days starting the day after the contracting authority has notified 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 an account of the reasons for the decision.

3) 6 months after the contracting authority has entered into the framework agreement, calculated starting the day after the contracting authority has sent notification to the candidates and tenderers involved, cf. § 2(2) or § 171(4) of the Public Procurement Act, provided that the notification included an account of the 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) .

Contact information for 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 on the website 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 (The Danish Competition and Consumer Authority)

Postal address: Carl Jacobsens Vej 35

Town: Valby

Postal code: 2500

Country: Denmark

E-mail: kfst@kfst.dk

Telephone: +45 41715000

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

VI.5. Date of dispatch of this notice

02/06/2022