

**Denmark-Ballerup: Clothing, footwear, luggage articles and accessories**

OJ S 135/2018 17/07/2018

Contract notice

Supplies

**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

Town: Ballerup

NUTS code: DK Danmark

Postal code: 2750

Country: Denmark

Contact person: Sofie Dreyer Mikkelsen

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

Telephone: +45 60866833

**Internet address(es):**Main address: <http://www.fmi.dk/Pages/forside.aspx>**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=215989&B=KA](http://eu.eu-supply.com/app/rfq/rwlenrance_s.asp?PID=215989&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=215989&B=KA](http://eu.eu-supply.com/app/rfq/rwlenrance_s.asp?PID=215989&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**

Acquisition of work and functional clothing to the Danish Defence.

**II.1.2. Main CPV code**

18000000 Clothing, footwear, luggage articles and accessories

**II.1.3. Type of contract**

Supplies

#### **II.1.4. Short description**

The objective of this framework agreement is to ensure that the Danish Defence can acquire work and functional clothing suitable for all job positions in the complete organization of the Danish Defence where work and functional clothing are required.

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

Value excluding VAT: 8 000 000,00 DKK

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

This contract is divided into lots: no

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

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

18100000 Occupational clothing, special workwear and accessories, 18110000 Occupational clothing, 18113000 Industrial clothing, 18130000 Special workwear, 18330000 T-shirts and shirts

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

NUTS code: DK Danmark

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

Refer section II.1.4 above.

#### **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**

#### **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.2.10. 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 not divided into lots on the grounds that a division of the contract would not ensure a sufficient competition in the current market.

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 (hereafter ESPD — electronic version eESPD) and provide the following information in the eESPD:

Its equity ratio (calculated by dividing the tenderer's equity with the tenderer's total assets (equity/total assets x 100) at the end of the last three (3) 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 tenderer's equity ratio (calculated by dividing the tenderer's equity with the tenderer's total assets (equity/total assets x 100) at the end of the last three (3) 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 tenderer 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 tenderer 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 tenderer and the entity or entities on which the tenderer relies. In this case, the tenderer shall ensure that an ESPD from the entity or entities on which the tenderer relies is submitted along with the tenderers own ESPD. The entity or entities' ESPD must equally provide the information listed above.

Minimum level(s) of standards possibly required:

The tenderer must have had an positive equity ratio in each of the last three (3) financial years. The equity ratio is calculated by dividing the tenderer's equity with the tenderers total assets (equity / total assets x 100).

If the tenderer 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 three (3) financial years available.

If the tenderer relies on the economic and financial standing of an entity or entities, the equity ratio is calculated by dividing the sum of the tenderer's and the entity or entities' equity with the sum of the tenderer's and the entity or entities' total assets (sum of equity / sum of total assets x 100) in each of the last three (3) financial years available.

## **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. 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 social responsibility (CSR) and it contains a labour clause, please see Appendix B for further information.

## Section IV: Procedure

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### IV.1. Description

#### IV.1.1. Type of procedure

Open 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: 31/08/2018 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

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)

#### IV.2.7. Conditions for opening of tenders

Date: 31/08/2018 Local time: 13:00

## Section VI: Complementary information

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### VI.1. Information about recurrence

This is a recurrent procurement: yes

### 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 tenderer is not subject to the grounds of exclusion stipulated in §§ 135 and 136 of the said Act and that the tenderer fulfils the minimum requirements for suitability fixed in accordance with § 140, cf. section III.1.2).

The tenderers 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 on the electronic tender platform [www.digitaleudbud.dk](http://www.digitaleudbud.dk). DALO strongly encourages the candidate to use this XML-file when completing the ESPD. The tenderer 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 ESPD must be used.

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. If a tenderer relies on the capacity of other entities, cf. section III.1.2, the tenderer shall upon request provide statements of support or other documentation proving that the candidate has access to the necessary economic and financial standing, and that the entity referred to has a legal obligation to the tenderer. If such documentation is not provided, DALO cannot consider the economic and financial standing of the other entity or entities. DALO has prepared a template to be used to confirm the legal obligation which is available at [www.digitaleudbud.dk](http://www.digitaleudbud.dk). DALO strongly encourages the tenderers to use this form. However, it is emphasized that it is the sole responsibility of the tenderer that the information provided fulfils the requirements.

DALO shall exclude a tenderer from participation in the procurement procedure, if the tenderer is subject to one of the compulsory grounds for exclusion in §§ 135 and 136 of the said Act unless the tenderer has provided sufficient documentation that the tenderer 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.

If the same legal entity is a part of or in any other way participates in several offers, e.g. submits his own offer and at the same time participates in a consortium which also submits an offer, the tenderers shall ensure that the same legal entity's participation does not provide for opportunity for mutual coordination of their offers. DALO reserves the right to request the tenderers 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 the remedies provided for in Section 159 (5) of the the Danish Act on Public Procurement (act n° 1564 of 15.12.2015 – available at [www.retsinformation.dk](http://www.retsinformation.dk)) if applications or offers do not fulfil the formalities of the tender documents.

#### **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: [kifu@naevneshus.dk](mailto:kifu@naevneshus.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 n° 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 public procurements and decisions subject to Chapter II or III of the Public Procurement Act, which does not concern a candidate not being invited to tender, 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**

13/07/2018