

Denmark-Ballerup: Business services: law, marketing, consulting, recruitment, printing and security

OJ S 105/2023 02/06/2023

Contract notice

Services

Directive 2009/81/EC

Section I: Contracting authority/entity

I.1. Name and addresses

Official name: Danish Defence Acquisition and Logistics Organization

National registration number: 16287180

Postal address: Lautrupbjerg 1

Town: Ballerup

Postal code: 2750

Country: Denmark

For the attention of: KAPS - Mette Ohm

E-mail: mohm@kammeradvokaten.dk

Telephone: +45 31743007

Internet address(es):

General address of the contracting authority/entity: <http://www.fmi.dk>

Electronic access to information: http://eu.eu-supply.com/app/rfq/rwlenrance_s.asp?PID=359314&B=KA

Electronic submission of tenders and requests to participate: http://eu.eu-supply.com/app/rfq/rwlenrance_s.asp?PID=359314&B=KA

Additional information can be obtained from:

the abovementioned address

Specifications and additional documents (including documents for competitive dialogue and a dynamic purchasing system) can be obtained from:

the abovementioned address

Tenders or requests to participate must be submitted: the abovementioned address

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/entities

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 attributed to the contract by the contracting authority

Acquisition of Tactical Data Link Consultancy Services

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

Services

II.1.3. Information about framework agreement

II.1.4. Information about framework agreement

II.1.5. Short description of the contract or purchase(s)

This contract notice concerns a re-tender regarding a contract for the procurement of Consultancy Services for the acquisition of a Tactical Data Link (TDL) System for the Royal Danish Navy (RDN). The supplier of the TDL Consultancy Services shall continue the work already made by the present supplier when the present agreement no longer is effective. The present supplier has reviewed, prepared, and produced a long list of documents, summarizing to approximately 7,000 pages.

The Danish Defence Acquisition and Logistics Organization (DALO) will acquire and implement a number of TDL systems for the RDN within the next few years. The TDL to be purchased will be a standard Multilink System (MLS) with Link 16, Link 22, JREAP C and SIMPLE, which will be installed and tested on a number of ships in the RDN (by a 'standard MLS' DALO means a similar system to what has been developed, produced and sold to another customer) and interfaced to a national Combat Management System (CMS). The acquisition of the TDL systems will be carried out according to the rules of directive 2009/81 /EC (the EU defence and security procurement directive).

Prior to acquisition and implementation of TDL systems for the RDN, DALO will acquire TDL Consultancy Services. The supplier of the TDL Consultancy Services shall assist DALO in the acquisition process for the TDL systems.

The supplier of the Consultancy Services shall act as a customer friend and TDL Subject Matter Expert (SME) during the acquisition process for the TDL systems, thus supporting and facilitating DALO and the RDN users during the entire acquisition process of the TDL systems, finalization of the tender procedure to receiving the equipment and setting it into operation. Furthermore, the supplier shall assist DALO with consultancy for development of the Terma CMS, as well as provide general TDL education during the acquisition process.

The services required from the supplier involve assisting DALO with the following tasks:

- aid for development of requirements for purchase of TDL-systems, related components and tools for simulation, test and analysis;
- conduct training on both basic and masterclass level in TDL for DALO and RDN;
- participation in video- and telephone conferences (VTC) on TDL systems;
- exchange of knowledge and information on TDL and new developments in the industry, standards and experiences from other nations having the same systems;
- support DALO during the tender process with the dialogue with the tenderers, including answering technical questions from tenderers and participation in negotiations;
- support DALO with the validation and evaluation of incoming tenders;
- support and advice DALO with the configuration, installation and integration of the TDL on the ships and for land based unit(s);
- support DALO with the acceptance tests of the TDL. This will include define and prepare the test plan;
- support DALO in the establishment of the support and maintenance concept and organization for the TDL and adjacent systems;
- support DALO in the implementation and integration of the TDL and adjacent systems;
- support DALO in the dialogue with the provider of the RDN Combat Management System (Terma) and in dialogue with other external parties, e.g. NILE, NATO and the Link16 communities.

II.1.6. CPV code(s)

79000000 Business services: law, marketing, consulting, recruitment, printing and security,
72220000 Systems and technical consultancy services

II.1.7. Information about subcontracting

II.1.8. Lots

This contract is divided into lots: no

II.1.9. Information about variants

Variants will be accepted: no

II.2. Scope of the procurement

II.2.1. Total quantity or scope

Estimated value excluding VAT: 14 000 000,00 DKK

II.2.2. Information about options

Options: no

II.2.3. Information about renewals

This contract is subject to renewal: yes

Number of possible renewals: 2

In the case of renewable supplies or service contracts, estimated timeframe for subsequent contracts:

in months: 12 (from the award of the contract)

II.3. Duration of the contract or time limit for completion

Start 1.1.2024. Completion 31.12.2034

Section III: Legal, economic, financial and technical information

III.1. Conditions related to the contract

III.1.1. Deposits and guarantees required

III.1.2. Main financing conditions and payment arrangements and/or reference to the relevant provisions governing them

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 invoicing to be done electronically. Exact terms will be stated in the contract.

III.1.3. Legal form to be taken by the group of economic operators to whom the contract is to be awarded

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

III.1.4. Other particular conditions to which the performance of the contract is subject, in particular with regard to security of supply and security of information

The contract contains requirements regarding labour clause, CSR requirements and international sanctions. Further information regarding the requirements is available on DALO's webpage and will be described in the tender material.

DALO demands that any person taking part in the performance of the contract must possess the appropriate personnel security clearance at NATO SECRET. The security clearance must be maintained throughout the term of the contract. For further details see the contract. It is the candidate's own responsibility to obtain the security clearance required to perform the contract.

III.1.5. Information about security clearance

III.2. Conditions for participation

III.2.1. Personal situation

Criteria regarding the personal situation of economic operators (that may lead to their exclusion) including requirements relating to enrolment on professional or trade registers

List and brief description of conditions: When submitting the offer (but not the request for participation/pre-qualification), the tenderer must submit a declaration stating that the tenderer (1) is not subject to any of the reasons for exclusion stated in art. 39(1) of the Defence and Security Directive (2009/81/EC) and section 134 a of The Public Procurement Act, and (2) to which degree the tenderer has unpaid overdue debt in relation to tax, duties or social security contributions under Danish law or under the law of the country in which the tenderer is established. A template for the declaration will be provided with the procurement documents, and the tenderer is encouraged – but not obliged - to use it. If the tenderer is composed of a group of entities (e.g. consortium), including temporary joint ventures, a declaration must be submitted for each participating entity.

Be advised that DALO shall exclude a tenderer which has unpaid overdue debt of DKK 100,000 or more to public authorities in relation to tax, duties or social security contributions under Danish law or under the law of the country in which the tenderer is established, unless the tenderer has provided collateral for the overdue debt, will provide collateral for the overdue debt or has entered into an installment agreement, which has not been breached at the time of submitting the offer. Exclusion is pursuant to the reasons for exclusion in the Defence and Security Directive, art. 39(2), paras f and g.

However, DALO may not exclude a tenderer which has provided sufficient documentation that the tenderer is reliable. DALO will decide whether the documentation is sufficient, hence the tenderer is considered reliable, based on guidelines equal to the guidelines provided for in Section 138(1-4) of the Danish Act no. 1564 of 15.12.2015 – The Public Procurement Act.

III.2.2. Economic and financial ability

III.2.3. Technical and/or professional capacity

Criteria regarding the technical and/or professional ability of economic operators (that may lead to their exclusion)

List and brief description of conditions:

A list of the most important similar deliveries (references), cf. section II.1.5), carried out prior to the deadline for the request to participate.

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 IV.1.2). If the delivery in question is ongoing, it is only the part of the services 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 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 regard to nature and quantity) of an ongoing delivery (reference) that has been carried out.

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 are similar to the services, described in section II.1.5). The description should also include a description of the candidates participation/role in the performance of the deliveries. The description should also contain information on the date of the deliveries, the nature and quantity 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 the description should include information about:

- fraction of participation (prime contractor or sub-supplier),
- description of the delivery,
- technical content (TDL technologies),
- interfaces (TDL interfaces to other systems),
- EU tender (acquisition type),
- recipient of the delivery (name, Navy/Airforce/Army and platforms).

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. The list must contain a maximum of five (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. Deliveries performed on an ongoing basis under a single framework agreement will be considered as one delivery (reference). If the list contains more than five (5) deliveries, DALO will only consider the first 5 (five) deliveries on the list. Deliveries beyond that will be disregarded.

Please note that 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.

III.2.4. Information about reserved contracts

III.3. Conditions specific to services contracts

III.3.1. Information about a particular profession

Execution of the service is reserved to a particular profession: no

III.3.2. 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: yes

Section IV: Procedure

IV.1. Type of procedure

IV.1.1. Type of procedure

Restricted

IV.1.2. 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/purchases described in section II.1.5) 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. The evaluation will be based on the list of references submitted by the candidates according to section III.2.3). 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.

- Concerning the nature and quantity of the previous deliveries it will be evaluated positively if the candidate demonstrates experience with delivery of Tactical Data Link Consultancy Services that are similar to the description in section section II.1.5. and includes references to technologies and deliveries in the following prioritized list (lowest number highest priority):

1. Technologies similar to the TDL project for the RDN stated in section II.1.5): MLS with Link22, link 16, JREAP C and SIMPLE.

a. Experience with Link 22 will be preferred.

b. Experience with maritime ship based platforms will be preferred.

c. MLS experience with all the stated TDL's will be preferred.

d. Experience with integration to a CMS (Combat Management System) will be preferred.

2. That the candidate has documented previous deliveries of as many as possible of all types of tasks described in section II.1.5. Involvement in a complete project including user requirements, tender material, test plan/execution and system implementation etc.

3. Preferred recipients will be:

a. NATO or NATO affiliated countries.

b. References from a variety of countries.

c. Experience in supporting acquisition of TDL as part of a public tender

4. DALO will deem deliveries that have been carried out recently more relevant than older deliveries.

- The assessment of which of the candidates have documented the most relevant references will be based on an overall assessment of whether all the references together document a high degree of relevant experience. Hence one or two references may document a higher degree of relevant experience than five references.

IV.1.3. Information about reduction of the number of solutions or tenders during negotiation or dialogue

IV.2. Award criteria

IV.2.1. Award criteria

The most economically advantageous tender in terms of Price is not the only award criterion and all criteria are stated only in the procurement documents

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

4027150

IV.3.2. Previous publication concerning this procedure

Prior information notice

Notice number in the OJ S: [2023/S 016-043950](#) of 23.1.2023

IV.3.3.

Conditions for obtaining specifications and additional documents or descriptive document

IV.3.4. Time limit for receipt of tenders or requests to participate

30.6.2023 - 09:00

IV.3.5. Estimated date of dispatch of invitations to tender or to participate to selected candidates

IV.3.6. Languages in which tenders or requests to participate may be submitted

Danish. English.

Section VI: Complementary information

VI.1. Information about recurrence

This is a recurrent procurement: no

VI.2. Information about European Union funds

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

VI.3. Additional information

Please be advised that the candidates who get prequalified for this tender may not be able to be prequalified for the tender regarding supply of TDL systems as it may constitute conflicts of interests. The concept of conflicts of interest covers any situation where staff members of the contracting authority or of a procurement service provider acting on behalf of the contracting authority who are involved in the conduct of the procurement procedure or may influence the outcome of that procedure have, directly or indirectly, a financial, economic or other personal interest which might be perceived to compromise their impartiality and independence in the context of the procurement procedure

Regarding section III.1.4: As part of the prequalification application the candidate is asked to submit a self-declaration, on compliance with labour clauses, CSR obligations and international sanctions. In this connection DALO reserves the right, at any time during the tender process, to let the candidate rectify a missing or inadequately completed self-declaration. DALO has uploaded a template (available in the Digitale Udbud web portal) which must be used as a statement. When associations of several entities (eg. Consortiums), including temporary joint ventures, participate as one tenderer, the self-declaration must be filled out separately for each of the participating entities.

Please note, that each candidate can only submit one request for participation. If the same legal entity is a part of or in any other way participates in several applications, e.g. submits his own application and at the same time participates in a consortium which also applies, the candidates shall ensure that the same legal entity's participation does not provide for opportunity for mutual coordination of their applications and offers. DALO reserves the right to request the candidates 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 remedies equal to the remedies provided for in Section 159(5) of the Danish Act no. 1564 of 15.12.2015, the Public Procurement Act, if applications or tenders do not fulfil the formalities of the procurement documents.

Candidates are asked to submit their request to participate via Digitale Udbud. The permalink is stated in section I.1). The request to participate cannot be submitted by e-mail.

DALO have prepared a prequalification questionnaire which candidates are strongly

encouraged to use when submitting their applications. The questionnaire contains questions, forms and templates for providing information etc. in accordance with the requirements in this Contract Notice. However, it is emphasized that it is the sole responsibility of the candidate that the information provided fulfils the requirements. The questionnaire is available via Digitale Udbud. The permalink is stated in section I.1).

According to the EU defence directive, a candidate may rely on the economic and financial standing and/or technical and/or professional capacity of other entities, regardless of the legal nature of the links with the entities. If a candidate wants to rely on other entities and wishes that the capacity of other entities is taken into account when DALO assesses the suitability of the candidate, the candidate must prove that the other entities will and shall put the relevant resources at the disposal of the candidate. A template for a declaration from the supporting entity to this effect is included in the prequalification questionnaire referred to above.

Attention is drawn to Article 5k in Regulation (EU) No 833/2014, as amended, which applies for the tender procedure. The provision contains a prohibition against award of contracts to Russian companies and Russian controlled companies etc. (reference is made to Article 5k, section 1, for the exact delimitation of the actors covered by the prohibition). DALO may at any time during the tender process require that the candidates/tenderers prove that they are not covered by the prohibition, for example by requiring a declaration to this effect and/or documentation regarding the candidates'/tenderers' and any subcontractors' place of establishment and ownership.

VI.4. Procedures for review

VI.4.1. Review body

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

Postal address: Nævnenes Hus, Toldboden 2

Town: Viborg

Postal code: 8800

Country: Denmark

E-mail: klfu@naevneshus.dk

Telephone: +45 35291000

Internet address: <http://www.klfu.naevneshus.dk>

VI.4.2. 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 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 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 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.

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 re-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.4.3. 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 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

30.5.2023