

Denmark-Ballerup: Aircraft or spacecraft equipment, trainers, simulators and associated parts

OJ S 190/2016 01/10/2016

Contract notice

Supplies

Directive 2009/81/EC

Section I: Contracting authority/entity

I.1. Name and addresses

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

Postal address: Lautrupbjerg 1-5

Town: Ballerup

Postal code: 2750

Country: Denmark

For the attention of: Lotte Lindeloff

E-mail: lli@kammeradvokaten.dk

Telephone: +45 72307840

Internet address(es):

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

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

Contract for the delivery of a Low Pressure Pneumatic Launcher (LPPL) for the Royal Danish Navy.

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

Supplies

NUTS code DK Danmark

II.1.3. Information about framework agreement

The procurement involves the establishment of a framework agreement

II.1.4. Information about framework agreement

Framework agreement with a single operator

Duration of the framework agreement

Duration in years: 15

Justification for a framework agreement, the duration of which exceeds seven years: Due to the optional elements contained in the agreement, cf. clause II.1.5) and II.2.2), it cannot be ruled out that the agreement maybe categorized as a framework agreement. Furthermore, DALO has determined that there may be a need for a duration of the agreement for 15 years in total. Such a duration is in particularly justified based on the expected service life of the LPPL to be procured, which is up to 15 years and therefore the need for DALO to be able to purchase certain spare parts, repair services etc. To limit the effect of the duration of the framework agreement the option for purchasing 1 additional LPPL may, however, only be exercised within the first 7 years of the duration of the agreement and beyond this point in time, the purchases under the agreement will only concern the sustainment of the LPPL(s). These purchases will be of a very low value, since — when the warranty period on the LPPL(s) expires — DALO expects to perform most repairs by its own means and to acquire most common spare parts on the basis of other agreements. Thus, in this period DALO will only be purchasing spare parts, repair services, STTE etc. from the LPPL supplier, if this is deemed necessary due to safety concerns and the need for know-how concerning the specific LPPL(s) purchased.

Estimated total value of purchases for the entire duration of the framework agreement

Estimated value excluding VAT:

Range: between 3 600 000 and 4 000 000 DKK

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

The Danish Defence has since the late 1950's been supplying the naval artillery with flying and sailing target drones located at the Naval Weapon Centre (NWC) at Griben, Sjællands odde (Zealands Point), Denmark. The drones are handled by Værnsfælles Droneafdeling ('VFD', in English 'Joint Aerial Targets Branch'). VFD is currently operating Banshee 600 and Jet 40 Banshee air target drones from NWC but can also launch from outside the NWC as a mobile unit. VFD is flying in excess of 100 missions a year to service both the Navy and the Air Force. At present, VFD is using a bungee launcher. This existing launcher has been in service since 1999 and is showing signs of wear and tear. Furthermore, the development of the target drones has caused an increase in weight of the drones and the existing launcher has reached its limits. DALO therefore wishes to acquire a Low Pressure Pneumatic Launcher ('LPPL') as replacement for the existing launcher.

The new launcher will primarily be operated from the NWC, but will also be supporting operations on board the Navy's vessels when needed. Furthermore, the Contract will contain an option for DALO to buy an additional Low Pressure Pneumativ Launcher (LPPL) on the same terms as the first one bought.

In addition to the acquisition of the LPPL, the supplier shall also be able to deliver spare parts, special tools and test equipment (if any) as well as training and technical support to DALO for a period of 7 years after commencement of the agreement.

For these services (spare parts, special tools and test equipment as well as training and technical support) the agreement contains 2 options for extension, in which each will cover a period of 4 years, meaning that the agreement may have a total duration of up to 15 years, cf. clause II.2.2 and 2.3.

II.1.6. CPV code(s)

34740000 Aircraft or spacecraft equipment, trainers, simulators and associated parts

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

II.2.2. Information about options

Options: yes

Description of options: The agreement will include an option for 1 additional LPPL, which may be exercised within the first 7 years of the duration of the agreement.

The agreement will in addition include 2 options for extension, cf. clause II.2.3 below. Both options will cover a period of 4 years, meaning that the agreement may have a total duration of up to 15 years.

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: 48 (from the award of the contract)

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

Duration in months: 84 (from the award of the contract)

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

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 1 supplier to represent the group.

A declaration stating such joint and several liability must be submitted with the application. For this purpose DALO has provided a template, which can be used by the applicant cf. also section V.I.3.).

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

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: The candidate must submit a solemn declaration stating whether, at the time of submitting the tender, the tenderer has fulfilled his obligations relating to the payment of taxes and social contributions in accordance with the legal provisions of the country in which the candidate is established and in Denmark in accordance with the public procurement act no 1564 of 15.12.2015, art. 135, (3) regarding public payments, which DALO has decided also applies for this procurement. The solemn declaration must relate to the legal entity/candidate submitting the tender. If the candidate is a consortium, a solemn declaration must be submitted for each member of the consortium.

III.2.2. Economic and financial ability

Criteria regarding the economic and financial standing of economic operators (that may lead to their exclusion)

List and brief description of conditions: The three latest annual reports or a declaration stating the annual turnover for the last three financial years available, in so far as information on such turnovers is available. The 3 latest annual reports or a declaration stating the candidate's solvency ratio (calculated by dividing the candidate's equity with the candidate's total assets (equity/total assets x 100) at the end of the preceding three financial years, in so far as such information is available. Reference is made to section VI.3) with regard to the candidate's possibility of relying on the capacity of other entities.

Minimum level(s) of standards possibly required: The candidate must have had an annual turnover of at least 3 000 000 DKK in each of the preceding 3 financial years (if the turnover is not stated in said currency, the contracting authority will calculate the turnover based on the official exchange rate on the date this notice was published). The candidate must have had a solvency ratio of at least 10 percent for each of the preceding 3 financial years.

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 carried out over the past five years. The list should preferably include:

- A description of each delivery;
- Information on when it was carried out;
- The size and value of the deliveries;
- The recipients of the deliveries (specific names/countries are preferred, but need not necessarily be included; if no country specific information is included the candidate is asked to provide as much generic information as possible about the delivery).

Reference is made to section VI.3) with regard to the candidate's possibility of relying on the capacity of other entities.

Minimum level(s) of standards possibly required

The candidate must demonstrate experience with one or more similar deliveries of LPPLs within the past 5 years.

III.2.4. Information about reserved contracts

III.3. Conditions specific to services contracts

III.3.1. Information about a particular profession

III.3.2. Information about staff responsible for the performance of the contract

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. Please note that any ambiguities and/or incomprehensibilities in the information submitted under section III.2.3) may be regarded negatively in the evaluation when selecting the limited numbers of candidates.

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

IV.3. Administrative information

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

7514101

IV.3.2. Previous publication concerning this procedure

Other previous publications

Notice number in the OJ S: [2016/S 055-091931](#) of 18.3.2016

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

26.10.2016 - 13:00

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

Pre-qualification Questionnaire:

DALO have prepared a pre-qualification 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 upon request from the contact point stated in I.1) above.

Submission of applications:

Candidates are asked to submit applications for pre-qualification in 3 hard copies and electronically on a CDROM/USB or equivalent medium in a sealed envelope marked 'LPPL — Application. Must not be opened in the reception'. In case of discrepancy between the hard copy and the electronic version, the hard copy shall take precedence.

The application for pre-qualification cannot be submitted by e-mail.

Re. Section III.2.1): Solemn declaration regarding the candidate's payment of taxes and social security contributions.

When submitting the offers (but not the application for pre-qualification), the tenderers must submit a solemn declaration stating to which degree the tenderer has fulfilled its obligations relating to the payment of direct and indirect taxes and social security contributions in accordance with the legal provisions of the country in which the candidate is established and in Denmark in accordance with the public procurement act no 1564 of 15.12.2015, art. 135, (3) regarding

public payments, which DALO has decided also applies for this procurement. A template for the declaration will be provided with the tender documents.

Re. section III.1.3.) applying as a group of economic operators:

No particular legal form is required, thus, a group of economic operators can apply for prequalification. 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 1 supplier to represent the group. A template for a declaration from the group of economic operators is included in the pre-qualification questionnaire referred to above.

Re. Section III.2): Relying on the capacities of other entities:

According to the EU public procurement directives, a candidate may rely on the economic, financial and/or technical 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 pre-qualification questionnaire referred to above.

Non-compliance with formal requirements:

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 on tender procedures if applications or tenders do not fulfil the formalities of the tender documents.

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@erst.dk

Telephone: +45 35291095

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

VI.4.2. Review procedure

Precise information on deadline(s) for review procedures: Pursuant to Danish act on The Complaints Board for Public Procurement (act no. 492 of 12.5.2010 with subsequent amendments — 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, provided that the notification includes a short account of the relevant reasons for the decision.

Other complaints must 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, 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. the principle in § 185(2) of the Danish act on Public Procurement (act no. 1564 of 15.12.2015 — available at www.retsinformation.dk).

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.4.3. 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
26.9.2016