

Denmark-Ballerup: Command, control, communication systems

OJ S 203/2015 20/10/2015

Contract notice

Supplies

Directive 2009/81/EC

## Section I: Contracting authority/entity

---

### I.1. Name and addresses

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

Postal address: Lautrupbjerg 1-5

Town: Ballerup

Postal code: 2750

Country: Denmark

Contact person: Kammeradvokaten, Vester Farimagsgade 23, 1606 København V

For the attention of: Emil Bisgaard

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

Telephone: +45 72307889

#### 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:** Official name: Danish Defence Acquisition and Logistics Organizations (DALO)

Postal address: Lautrupbjerg 1-5

Town: Ballerup

Postal code: 2750

Country: Denmark

For the attention of: Michael Tarp Hansen

E-mail: [fmt-pk-cep03@mil.dk](mailto:fmt-pk-cep03@mil.dk)

Telephone: +45 72571505

### 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 and sustainment of BRASS Enhancement 1 (BRASS EO).

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

Supplies

Purchase

Main site or place of performance: Denmark.

NUTS code DK0 Danmark

## **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 DALO's award of a contract covering the acquisition and sustainment of the Danish implementation of the NATO BRASS EO.

The Danish implementation of the NATO BRASS EO system will be the strategic maritime HF communication system for the Royal Danish Navy ensuring backwards compatibility with NATO BRASS Initial Core Capability (ICC) and NATO legacy systems.

The purpose of the contract is to facilitate a multiple, continuous, robust, strategic and independent long range radio communication capability — under national control — between shore authorities and Danish naval units operating in Danish, North Atlantic and Arctic waters, as well as designated waters for worldwide support during operations covering from combat operations to peace operations and humanitarian operations.

It is crucial to DALO that the acquisition is interoperable with Danish and NATO naval units. Therefore, the implementation is driven by the NATO Minimum Military Requirements (MMR) and NATO Broadcast and Ship Shore Enhancement One Target Architecture (BREITA).

Also, it will be viewed positively that the system offered by the tenderer — to the furthest extent possible — is already fully developed and put into operational use.

The BRASS EO system is to be installed at 1) 2 control sites ashore; one in Denmark and 1 in Greenland, at 2) the naval training facility in Denmark and 3) on all major naval units.

Thus, delivery of the system must take place at several locations within the Kingdom of Denmark. Delivery in Denmark includes an Automated Control and Management System (ACMS) site in Aarhus with a transmit and a receive site in Frederikshavn. Delivery in Greenland includes an ACMS site in Nuuk with a transmit and a receive site in Kangerlussuaq. Furthermore, the system is to be installed on an expected number of 13 mobile units, which are located at either Naval Base Korsoer or Naval Base Frederikshavn at the time of the installation. The naval training facility is also located at the Naval Base Frederikshavn.

The majority of the sustainment services are expected to be delivered at the sites ashore and /or delivered remotely to mobile units. However, the supplier must be obligated to deliver certain sustainment services on site to mobile units either in national or in international operations. Further details regarding the specific places of delivery will follow in the tender documents. The BRASS EO system, including installations, initial spare parts packages, special tools and test equipment (STTE), documentation and initial training, will be procured on the basis of an Acquisition Contract. In addition, DALO wishes to enter into a Sustainment Contract allowing for the subsequent procurement of additional spare parts and STTE, sustainment services, including maintenance services and support, and optional deliveries for the system throughout a period of up to 15 years, which is the expected life time of the system. The 2 contracts should be seen as a whole and will both be awarded to the successful tenderer.

## **II.1.6. CPV code(s)**

35711000 Command, control, communication systems, 35700000 Military electronic systems, 35710000 Command, control, communication and computer systems, 35712000 Tactical

command, control and communication systems, 32342410 Sound equipment, 51321000 Installation services of radio transmitters, 50333000 Maintenance services of radio-communications equipment

#### **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:

Range: between 100 000 000 and 200 000 000 DKK

#### **II.2.2. Information about options**

Options: yes

Description of options: — Additional HF Transmitters, HF Receivers, HF Tranceivers and Antenna Tuning Units.

— Additional Remote Supervisory and Control Sub-System and Voice Management Sub-system (VMSS) including VMSS subscriber stations.

— Additional ARQ Servers.

— Additional Message Handling Operator Position.

#### **II.2.3. Information about renewals**

This contract is subject to renewal: no

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

Duration in months: 180 (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**

If prepayments are made, an on-demand guarantee from a recognized financial institution must be presented. The financial institution has to be approved by DALO.

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

Reference is made to the tender documents with regard to the payment terms. Invoicing must be done in accordance with the at any time applicable Danish legislation on public payments. At present this is the Danish consolidation act. no. 798 of June 2007 which demands that invoicing must 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 special legal form is required. If the order 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 Supplier and any sub-supplier(s) are required to comply with NATO Security Regulations as implemented by the National Security Authority of the country in which the work is performed. The supplier will be required to ensure that only authorized security personnel have access to classified information or material in the course of performance of the contract.

Candidates are specifically made aware that it may be a condition precedent for signing the contract that the tenderer has entered into an Industrial Cooperation Contract with the Danish Business Authority (Erhvervsstyrelsen). Candidates should also note that the Danish legislation on industrial cooperation has been amended and that — as of 1.7.2014 — new rules on industrial cooperation have entered into force. Pursuant to the new rules, industrial cooperation may be required, in so far as a concrete assessment shows that such cooperation is necessary in order to safe-guard essential Danish security interests. Such an assessment is currently being made in relation to this contract. Pre-qualified tenderers will be informed of the outcome. The new rules are available at: <http://danishbusinessauthority.dk/file/490061/guidelines-for-industrial-cooperation-in-denmark.pdf>

### **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: A solemn declaration stating to which degree the candidate has fulfilled his 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 Consolidation Act No 336 of 13.5.1997 regarding public payments.

As an alternative to a solemn declaration, a report from the Danish Business Authority (in Danish: 'Service attest') may be submitted. The report must be issued within the last 6 months before the deadline of pre-qualification.

Foreign candidates submitting an equal report from their country must also submit a solemn declaration regarding obligations in Denmark. The report must be issued within the last 6 months before the deadline of pre-qualification.

If the application is submitted by a joint group of suppliers (e.g. a consortium), each member of the group must submit the declaration/report.

### **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 3 latest annual reports or declarations stating:  
— the annual turnover for the last three financial years available, in so far as information on such turnovers is available;

— the candidate's solvency ratio (calculated by dividing the candidate's equity with the candidate's total assets (equity x 100 / total assets)) at the end of the preceding 3 financial years, in so far as such information is available;

— the candidate's quick ratio (calculated as follows: quick ratio = (current assets — inventory) / current liabilities) at the end of the preceding three financial years, in so far as such information is available;

— the candidate's profit margin ratio (calculated by dividing the candidate's net income with

the candidate's net sales) at the end of the preceding three financial years, in so far as such information is available.

If the application is submitted by a joint group of suppliers (e.g. a consortium), this information must be provided for each member of the group. 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 50 000 000 DKK, calculated as an average of the candidate's turnover in the preceding 3 financial years (if the turnover is not stated in said currency, DALO 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 5 percent, calculated as an average of the candidate's solvency ratio in the preceding 3 financial years.

If the application is submitted by a joint group of suppliers (e.g. a consortium), each member of the consortium must fulfil the requirement concerning solvency ratio. As for the requirement concerning annual turnover, this may be fulfilled by the group as a whole.

### **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 (5) 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).

If the application is submitted by a joint group of suppliers (e.g. a consortium) this information must be provided for each member of the group.

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

### **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**

Negotiated

#### **IV.1.2. 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: The limitation of candidates will be based on the following criteria listed in order of priority:

(a) the relevance of the candidate's previous deliveries in comparison to the contract /purchases described in section II.1.5), and  
(b) the candidate's average quick ratio and profit margin ratio in the preceding 3 financial years. Please note that any ambiguities and/or incomprehensibilities in the information submitted under section III.2) 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**

Recourse to staged procedure to gradually reduce the number of solutions to be discussed or tenders to be negotiated yes

**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**

M-941031 BRASS EO

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

no

**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**

17.11.2015 - 12:00

**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**

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**

Negotiated procedure:

This tender is conducted according to the negotiated procedure, cf. Directive 2009/81/EC, Article 26. The tenderers who will be invited to submit tenders will receive further practical information regarding the negotiated procedure in the Instructions to Tenderers, including

information on the submission of tenders. DALO reserves the right to award the contracts on the basis of the initial offers (INDO1) without negotiation.

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 may be obtained from the contact person named in section I.1) above.

Submission of applications for pre-qualification:

Requests for participation may not be submitted by e-mail. Instead, requests for participation must be sent by post (or handed over) to the contact person named in Annex A, section A.III). Requests for participation should preferably be submitted in a sealed envelope marked 'BRASS EO — Request for participation. Must not be opened in the reception'. Candidates are kindly asked to submit their application in 2 paper copies and 2 digital copies (USB token, CDROM or equivalent).

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 are obliged to 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.

Contact information:

When submitting contact details, candidates are encouraged to submit as much information as possible and preferably also the e-mail address of the candidate's contact person.

Non-compliance with formal requirements:

DALO reserves the right — but is not obliged — to use the remedies provided for in Section 12 of the Danish statutory order on procedures for the award of public supply contracts, public service contracts and public construction contracts (Order no. 712 of 15.6.2011) if applications or tenders do not fulfil the formalities of the tender material.

Subsequent short listing of the pre-qualified candidates/tenderers:

After the pre-qualified candidates (the tenderers) have submitted their first indicative offer (INDO1), the number of tenderers is expected to be reduced to 3 based on the award criteria applicable at the time. These tenderers will be invited to negotiation meetings and testing.

Testing:

The shortlisted candidates will be required to prepare a test version of their system which must undergo a series of tests as part of the evaluation.

## **VI.4. Procedures for review**

### **VI.4.1. Review body**

Official name: The Complaints Board for Public Procurement

Postal address: Dahlerups Pakhus, Langelinie Allé 17

Town: Copenhagen Ø

Postal code: 2100

Country: Denmark

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

Telephone: +45 35291000

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

#### **VI.4.2. Review procedure**

Precise information on deadline(s) for review procedures: As a consequence of the Danish act no. 492 of 12.5.2010 with subsequent amendments regarding enforcement of the rules for procurement etc., 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, if 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 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). However, if the tender concerns a framework agreement complaints must be filed with The Complaints Board for Public Procurement within 6 months after the Contracting Authority has sent notification to the candidates/ tenderers involved that the Contracting Authority has entered into the framework agreement if the notification included a short account of the relevant reasons for the decision.

The complainant must inform the contracting authority of the appeal in writing at the latest simultaneously with the lodge of the complaint to The Complaints Board for Public Procurement. The complainant shall state whether the complaint has been lodged in the stand-still period. If the appeal has not been lodged in the stand- still period, the appellant must also state whether it is requested that the appeal is granted delaying effect.

Other complaints must 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 (with effect from the day following the publication date).

#### **VI.4.3. Service from which information about the review procedure may be obtained**

Official name: The Danish Competition and Consumer Authority

Postal address: Carl Jacobsens Vej 35

Town: Valby

Postal code: 2500

Country: Denmark

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

Telephone: +45 4171500

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

#### **VI.5. Date of dispatch of this notice**

15.10.2015