

DK-Valby: IT services: consulting, software development, Internet and support

OJ S 228/2012 27/11/2012

Contract notice

Services

Directive 2004/18/EC

Section I: Contracting authority

I.1. Name and addresses

Official name: The Competition and Consumer Authority

Postal address: Carl Jacobsens Vej 35

Town: Valby

Postal code: 2500

Country: Denmark

For the attention of: Kasper Pommer Kasch

E-mail: kpk@kfst.dk

Telephone: +45 41715146

Internet address(es):

General address of the contracting authority: www.kfst.dk

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:

Official name: The Competition and Consumer Authority

Postal address: Carl Jacobsens Vej 35

Town: Valby

Postal code: 2500

Country: Denmark

Telephone: +45 41715000

Internet address: <http://www.kfst.dk/index.php?id=30230>

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

General public services

I.4. Contract award on behalf of other contracting authorities

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

Delivery and maintenance of a Forensic IT solution for the handling of electronic data.

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

Services

Service category No 7: Computer and related services

Main site or place of performance: Denmark.

NUTS code DK011 Byen København

II.1.3. Information about a framework agreement or a dynamic purchasing system

The notice involves a public contract

II.1.4. Information about framework agreement

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

The Danish Competition and Consumer Authority manages the control investigations of Danish undertakings, cf. Section 18 (4) of the Danish Competition Act. While carrying out the control investigations electronic data is seized from the IT system of the undertaking in question for subsequent review and analysis. The seized electronic data may be of a quite significant size. After having carried out a control investigation the Competition and Consumer Authority will have 25 days to review the data and identify the files which are deemed necessary to either confirm or dismiss the Authority's assumption of a violation of the Competition Act. This phase is described as the subsequent processing and takes place in the Authority's Forensic IT Laboratory (FIT Lab). For the use hereof the Competition and Consumer Authority intends to purchase an IT system to support the handling of the seized data in connection with the control investigations as part of the review and analysis of the seized data.

The contract put out for tender comprises the purchase and implementation of an IT system which in relation to the Authority's handling of seized electronic data after a control investigation will support a quick and credible review of the matters and ensure that evidence of a possible violation of the Competition Act is secured. The IT system must functionally support the principles of Forensic IT and thereby ensure that the files handled by the system will maintain their origin and authenticity so that the HASH-value, contents and metadata are identical with the corresponding original data in the undertaking from which the copy was seized and loaded to the system. For the use of the subsequent processing phase the IT system must have the capacity to process, index and analyse very large amounts of data as well as document these in order for the data to be used as evidence in court.

For the purchase and implementation of the IT system as described above in relation to necessary software and, if relevant, hardware, the contract also comprises maintenance and necessary further development and adjustment of the IT system to ensure the system's continued use and availability. Maintenance and further development must be supplied in a four year period after the delivery and implementation of the IT system with the option of two extension periods, each by one year.

The operation of the IT system will be performed by the Competition and Consumer Authority or by a third party on behalf of the Competition and Consumer Authority.

II.1.6. CPV code(s)

72000000 IT services: consulting, software development, Internet and support, 72268000 Software supply services, 72263000 Software implementation services, 72267000 Software maintenance and repair services, 72261000 Software support services

II.1.7. Information about the Government Procurement Agreement (GPA)

The procurement is covered by the Government Procurement Agreement: yes

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 2 000 000,00 and 11 000 000,00 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: Range: between 1 and 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

Duration in months: 48 (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

In case of prepayment an irrevocable on demand guarantee for repayment shall be provided.

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 terms of payment. Invoicing must take place electronically in accordance with Danish legislation on public payments in force at any time. At present the rules governing public payments are embodied in the Danish Public Payments (Consolidation) Act no. 798 of 28.6.2007.

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

If the contract is awarded to a group of economic operators (e.g. a consortium), such group is required to undertake joint and several liability and appoint a representative authorised to act on behalf of the consortium.

III.1.4. Contract performance conditions

The performance of the contract is subject to particular conditions: yes

Description of particular conditions: Pursuant to the provisions of ILO Convention No 94 regarding Labour Clauses in Public Contracts, the State of Denmark is obliged to ensure that the provider and any sub-contractors ensure that the wages and salaries (including allowances), working hours and other conditions of labour of their workers in Denmark are not less favourable than those applicable to work of an equal nature within the trade or industry in question in the district where the work is performed pursuant to any collective agreement, arbitration award, national legislation or administrative regulations.

To the relevant extent, the contract will reflect the principles for corporate social responsibility as stated in the United Nations Global Compact.

III.2. Conditions for participation

III.2.1. Suitability to pursue the professional activity, including requirements relating to enrolment on professional or trade registers

List and brief description of conditions: A signed solemn declaration to the effect whether the candidate when the tender is submitted has unpaid payable debt to the authorities in the country in which the candidate is established and, in Denmark, pursuant to the provisions of Consolidated Act No. 336 of 13.5.1997 on the Restriction of Debtors' Options for Participating in Public Procurement Procedures and on the Amendment of Certain other Acts.

If the candidate consists of a group of economic operators (e.g. a consortium), each member of the group must submit a solemn declaration. If the candidate relies on the capacities of other economic operators, reference is made to section VI.3).

Candidates may contact the Competition and Consumer Authority, jf. section I.1) and receive a standard form to be used by the candidate when submitting the solemn declaration.

III.2.2. Economic and financial ability

III.2.3. Technical and professional ability

List and brief description of conditions:

A list of the main similar deliveries that the candidate has provided in the past three years, cf. section II.1.5).

The contracting authority would like the candidate to provide information regarding extent, time and character of the deliveries, including the candidate's concrete role with respect to the deliveries.

The contracting authority would like a short description of why a reference is relevant for the evaluation of the candidate's technical capacity.

Minimum level(s) of standards possibly required:

Documented relevant experience in the shape of at least one reference comprising the delivery of an IT system based on the principles of Forensic IT that supports a subsequent processing of investigation of seized or collected data, e.g. after a control investigation has been carried out or as part of an internal investigation within any given undertaking.

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: no

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: 5

Objective criteria for choosing the limited number of candidates: Selection of candidates invited to tender will be carried out by evaluating which of the candidates who has provided the most relevant and extensive deliveries of similar IT systems relevant to the contract.

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 will be used: no

IV.3. Administrative information

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

12/09205

IV.3.2. Previous publication concerning this procedure

no

IV.3.3. Conditions for obtaining specifications and additional documents or descriptive document

Payable documents: no

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

7.1.2013 - 12:00

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

28.1.2013

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

Danish. English.

IV.3.7. Minimum time frame during which the tenderer must maintain the tender

IV.3.8. Conditions for opening of tenders

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

Regarding I.1). No further specifications or documents will be available to the candidates. Only the candidates invited to participate in the prequalification will gain access to the collected tender documents.

Any questions and answers during the prequalification phase will continuously be published on the website stated in Annex A.II (URL). The candidates are advised to visit the mentioned website for updated information regularly.

Regarding II.2.1). The amounts stated in section II.2.1) are the Competition and Consumer Authority's estimate of the price that market operators would require for the performance of the contract and includes all deliveries including the maximum extension of the contract. The Competition and Consumer Authority estimates that the delivery of the system will be priced in the interval of DKK 2 - 8 million. It must be noted that the Competition and Consumer Authority's budget for the contract is not yet determined and therefore the final amount allocated for the contract may vary significantly.

Regarding II.3). The stated duration concerns maintenance and further development and is calculated from the date of the approved acceptance test.

Regarding III.2). Candidates who do not submit the requested information cannot expect to be invited to participate in the tender. If the candidate consists of a group of economic operators (e.g. a consortium) the information in section III.2.1) and III.2.3) must be provided for each member of the group. A candidate may rely on the capacities of other economic operators irrespective of the legal nature of the connection between the candidate and the other operator. If so the candidate must prove to the contracting authority that the candidate has the resources necessary for the execution of the contract at its disposal, e.g. by enclosing documentation that it can rely on the capacities of the other legal entity, cf. Article 48(3) of the Directive 2004/18/EC on the coordination of procedures for the award of public work contracts, public supply contracts and public service contracts.

Regarding IV.3.4). Candidates may only submit one application for prequalification.

Applications cannot be submitted per e-mail. The Contracting Authority would like to receive the application in 7 hard copies and electronically on a CD-ROM, USB key or similar electronic device. Applications must be submitted in a sealed enveloped marked "CONFIDENTIAL - Tender for Forensic IT solution for the handling of electronic data - not to be opened by internal mail". Furthermore, it is requested that the candidate provides an e-mail address of the relevant contact person to whom any possible information can be forwarded.

Regarding IV.3.5). The stated date is only an expected date.

Regarding IV.3.6). Applications for prequalification as well as the tender may be submitted in Danish and English.

VI.4. Procedures for review

VI.4.1. Review body

Official name: The Danish Complaints Board, The Danish Business Authority

Postal address: Langelinie Allé 17

Town: Copenhagen Ø

Postal code: 2100

Country: Denmark

E-mail: 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: Complaint for not having been prequalified must be lodged with the Danish Complaints Board for Public Procurement within 30 calendar days of the date following the date when the Contracting Authority sent notification to the affected applicants stating the names of those prequalified if the notification as well as a brief outline of the relevant reasons for the decision.

A complaint must be lodged with the Danish Complaints Board for Public Procurement before six months after the Contracting Authority has published a notice in the Official Journal of the European Union to the effect that the Contracting Authority has entered into a contract. The deadline is counted from the date following the date when the notice was published.

The complainant must notify the Contracting Authority of a complaint lodged with the Danish Complaints Board for Public Procurement no later than on the date of submission of the complaint to the Danish Complaints Board for Public Procurement. Furthermore, the Contracting Authority must be informed whether the complaint was lodged in the standstill period.

In cases where the complaint is not lodged within the stand-still period, the claimant must also state if he has applied for a stay pending the outcome of the complaint.

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

Official name: The 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

22.11.2012