

Denmark-Ballerup: Military electronic systems

OJ S 215/2015 06/11/2015

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

Postal address: Lautrupbjerg 1-5

Town: Ballerup

Postal code: 2750

Country: Denmark

For the attention of: Stine Maria Scheibel

E-mail: stsc@kammeradvokaten.dk

Telephone: +45 33152010

Internet address(es):

General address of the contracting authority/entity: <http://forsvaret.dk/FMI/ENG/Pages/default.aspx>

Additional information can be obtained from:

Official name: Kammeradvokaten

Postal address: Vester Farimagsgade 23

Town: Copenhagen K

Postal code: 1606

Country: Denmark

Contact person: Stine Maria Scheibel

E-mail: stsc@kammeradvokaten.dk

Telephone: +45 33152010

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

Official name: Kammeradvokaten

Postal address: Vester Farimagsgade 23

Town: Copenhagen K

Postal code: 1606

Country: Denmark

Contact person: Stine Maria Scheibel

E-mail: stsc@kammeradvokaten.dk

Telephone: +45 33152010

Tenders or requests to participate must be submitted: Official name: Kammeradvokaten

Postal address: Vester Farimagsgade 23

Town: Copenhagen K

Postal code: 1606

Country: Denmark

Contact person: Stine Maria Scheibel

E-mail: stsc@kammeradvokaten.dk

Telephone: +45 33152010

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

Purchase and sustainment of Tempest test receiver.

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

Supplies

Purchase

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: 7

Justification for a framework agreement, the duration of which exceeds seven years: N/A.

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

Estimated value excluding VAT:

Range: between 3 000 000 and 5 000 000 DKK

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

DALO wishes to acquire a Tempest test receiver and provision of service and spare parts for a period of 7 years. The awarded contract will therefore consist of an acquisition agreement concerning the TEMPEST test receiver and a framework agreement concerning service and spare parts. The Tempest test receiver shall be used for the evaluation of equipment in accordance with NATO standard "SECAN Doctrine and Implementation Policy "27" (SDIP-27) or equivalent.

II.1.6. CPV code(s)

35700000 Military electronic systems, 35730000 Electronic warfare systems and counter measures

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: no

II.2.3. Information about renewals

This contract is subject to renewal: no

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

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 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 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. Further, applicants should note that the contract will include a labour clause requiring the supplier to ensure that the wages, including allowances, hours of work and other conditions of labour of his and any subcontractors' employees are no less favourable than those applicable to work of an equal nature within the trade or industry in the district where the work is performed pursuant to any collective agreement, arbitration award or national legislation or administrative regulations. The supplier will contractually be required to demonstrate that the work provision is complied with. Failure to comply can result in sanctions in the form of retention requirements, penalties and possible termination of the contract upon default of the labour clause.

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 whether the applicant has fulfilled its obligations relating to the payment of taxes and contributions to social security schemes in accordance with the legal provisions of the country in which the applicant is established, and in Denmark.

Alternatively, the requirement is fulfilled by sending a service certificate, issued by the Danish Commerce and Companies Agency. The certificate shall be issued a maximum of 6 months before the tender deadline.

Foreign applicants transmitting a corresponding certificate from the authorities in the country in which they are domiciled shall also submit a solemn declaration concerning the obligations relating to the payment of taxes and contributions to social security schemes in Denmark.

If the applicant is a consortium, the declaration/certificate must be submitted for each member of the consortium.

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 carried out over the past 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).

Template 3 in DALO's pre-qualification questionnaire can be used in this regard. For further information regarding the pre-qualification questionnaire please see section VI.3) of this contract notice. Reference is also 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

To be pre-qualified the candidate shall demonstrate experience with at least 1 similar delivery within the past 5 years. To be considered a similar delivery the candidate shall demonstrate that the delivery concerned a Tempest test receiver.

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 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 purchase/services 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

An electronic auction has been used: no

IV.3. Administrative information

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

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

4.12.2015 - 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 applicants are strongly encouraged to use when submitting their applications. The pre-qualification questionnaire can be obtained by e-mailing a request to the contact person stated in section I.1. However, it is emphasized that it is the sole responsibility of the applicant that the information provided fulfils the requirements stated in this Contract Notice.

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 section I.1. Requests for participation should preferably be submitted in two copies in a sealed envelope marked 'Tempest test receiver — request for participation. Must not be opened in the reception.' 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 prequalification), 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 consolidation act no. 336 of 13 May 1997 regarding public payments. A template for the declaration will be provided with the tender documents.

Re. Section III.2.2): 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 prequalification questionnaire referred to above.

Noncompliance with formal requirements:

DALO reserves the right — but is not obliged — to use remedies equal to 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 June 2011) 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

Postal address: Dahlerups Pakhus, Langelinie Allé 17

Town: Copenhagen

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: Pursuant to Danish act no. 492 of 12.5.2010 with subsequent amendments on enforcement of the public procurement rules, 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 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, provided that the notification included a short account of the relevant reasons for the decision. 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. 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.

VI.4.3. 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

Telephone: +45 41715000

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

VI.5. Date of dispatch of this notice

3.11.2015