

**Denmark-Ballerup: Tactical command, control and communication systems**

OJ S 202/2018 19/10/2018

Contract notice

Supplies

Directive 2009/81/EC

**Section I: Contracting authority/entity**

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**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: Peter Thomsen

Telephone: +45 72814264

**Internet address(es):**General address of the contracting authority/entity: [www.fmi.dk](http://www.fmi.dk)Electronic access to information: <https://www.ethics.dk/ethics/eo#/0f6f7eea-ea54-483c-b5e1-6131570a74f5/homepage>Electronic submission of tenders and requests to participate: <https://www.ethics.dk/ethics/eo#/0f6f7eea-ea54-483c-b5e1-6131570a74f5/homepage>**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**

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**II.1. Description****II.1.1. Title attributed to the contract by the contracting authority**

Acquisition of Secure Voice Communication System

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

Supplies

NUTS code DK0 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: 20

Justification for a framework agreement, the duration of which exceeds seven years: DALO intends as described in section II.1.5) below to award :

- 1) an acquisition contract concerning the acquisition of a secure voice communication system and
- 2) a Framework Agreement relating to the sustainment of the secure voice communication system.

The Framework Agreement shall have a duration for 7 (seven) years with the possibility for renewal 4 (four) times — 1 for 7 (seven) years and 3 for each 2 (two) years (7 + 7 + 2 + 2 + 2). The duration of 20 (twenty) years is justified particular on the grounds:

- 1) The secure voice communication system has an expected life time of 20 (twenty) years and DALO needs to have the secure voice communication system maintained for all 20 (twenty) years to ensure the secure voice communication system is operational;
- 2) The secure voice communication system needs to be kept operationnel and maintained. If the system is not operationnel it can have an effect on the functioning of the armed forces and their security, which is not acceptable;
- 3) DALO's knowledge of the market shows that it is not possible to have another/third party economic operator maintaining the secure voice communication system without disproportionate technical difficulties because maintenance of the secure voice communication system requires knowledge of the source code of the system. This knowledge is not acquired without technical difficulties. DALO has furthermore high requirements for the secure voice communication systems time of operation and a change of economic operator can have an effect on these requirements, which cannot be accepted by DALO.

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

Estimated value excluding VAT:

Range: between 100 000 000 and 250 000 000 DKK

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

- 1) Background and purpose:

This contract notice concerns DALO's award of an acquisition contract with a Framework Agreement for the procurement of a secure voice communication system including services such as development and maintenance hereof in the expected lifetime of the secure voice communication system. The acquisition contract and Framework Agreement (hereafter the contract) shall be awarded to the same supplier.

The secure voice communication system shall be used for mission critical voice communication — secure and non secure — through radio systems, telephone services and intercom. The secure voice communication system shall be operated by Danish Defence at some of the following operators; the Royal Danish Navy, the Royal Danish Air Force and the Danish Joint Operations Center. The secure voice communication system shall be used as the primary voice communication system in the following operational contexts:

- national as well as international command and control,
- air traffic control,
- search and rescue,
- national and international maritime communication,
- emergency/crises management and disaster response.

The acquired secure voice communication system are to be installed on 2 main sites in Denmark as well as a number of remote radio sites throughout Denmark. Further details

regarding the specific places of delivery will follow the tender documents.

## 2) Deliverables:

### A. Secure voice communication system:

The contract concerns the acquisition of an IP-based secure voice communication system. By "secure" DALO means a voice communication system, that can be approved for NATO secret.

The secure voice communication system shall be scalable in regards to the number of users, types of radios and services during the expected lifetime of the secure voice communication system. The secure voice communication system shall be acquired in the following sizing:

— for the Royal Danish Air Force: 3 secure voice communication system centers operating both secure and non-secure communication,

— for the Royal Danish Navy: 1 secure voice communication system center operating only non-secure communication with the possibility to upgrade the center to both secure and non-secure communication,

— for the joint operation center: One secure voice communication system center operating only non-secure communication with the possibility to upgrade the center to both secure and non-secure communication,

— for testing and training: a secure voice communication system for testing of and training in new updates, upgrades, features etc. before going release hereof.

### B. Integration to legacy systems:

The acquired secure voice communication system shall be integrated to legacy radio systems, current voice recording system and a IP telephone system operated by the Danish Defence.

### C. Documentation

As part of the deliverables DALO shall acquire technical as well as operative documentation relating to the secure voice communication system.

### D. Training and education:

The contract furthermore concerns acquisition of initial training and education for system administrators and super users in relation to the secure voice communication system.

### E. Maintenance and support of the acquired secure voice communication system:

As part of the Framework Agreement DALO shall have the possibility to acquire maintenance and support in the expected lifetime of the secure voice communication system, which enables DALO to acquire spare parts, further development of the secure voice communication system, follow up education and training for technicians and super users, and support for operations (third level support).

## II.1.6. CPV code(s)

35712000 Tactical command, control and communication systems, 35710000 Command, control, communication and computer systems, 50334400 Communications system maintenance services

## II.1.7. Information about subcontracting

The tenderer has to indicate any change occurring at the level of subcontractors during the execution of the contract

## 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 150 000 000 and 300 000 000 DKK

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

Options: yes

Description of options: The duration of the Framework Agreement may be extended with up to 4 (four) times — 1 for 7 (seven) years and 3 for each 2 (two) years (maximum of 20 (twenty) years in total), cf. section II.2.3) below.

DALO shall have the option to acquire 2 (two) ekstra non secure voice communication system centers for the duration of the contract (maximum of 20 (twenty) years) for the Danish Navy /Vessel Traffic Service Great Belt. DALO shall furthermore have the option to acquire 2 (two) voice communication centers for the duration of the contract (maximum of 20 (twenty) years). DALO shall therefore have the option to acquire in total 4 (four) additional voice communication centers for the duration of the contract (maximum of 20 (twenty) years).

Provisional timetable for recourse to these options:

in months: 240 (from the award of the contract)

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

This contract is subject to renewal: yes

Number of possible renewals: 4

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

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

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

### **Section III: Legal, economic, financial and technical information**

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#### **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 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 must be conducted in consideration of corporate social responsibility and it contains a labour clause, please see Annex F/Appendix B for further 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: When submitting the offers (but not the request for participation), the tenderers must submit a solemn declaration stating 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 tender documents, and the tenderer is encouraged – but not obliged — to use it.

Be advised, that DALO shall exclude a tenderer which has unpaid overdue debt of 100 000 DKK 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 debt, will provide collateral for the debt, or has entered into an installment agreement regarding the debt which has not been breached.

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 the 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**

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

List and brief description of conditions: Annual reports or excerpts hereof or other documentation stating the candidate's annual turnover for the last 3 (three) financial years, if publication of annual reports is required under the law of the country in which the candidate is established, and to the extent such information is available.

Minimum level(s) of standards possibly required: The candidate must have had an annual turnover of at least 200 000 000 DKK in each of the last 3 (three) 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.

If the candidate is composed of a group of entities (e.g. consortium), including temporary joint ventures, the annual turnover is calculated as the sum of all the participants annual turnover in each of the last 3 (three) financial years available.

If the candidate relies on the economic and financial standing of an entity or entities, the annual turnover will be calculated as the sum of the candidate's annual turnover and the entity or entities' annual turnover in each of the last 3 (three) financial years available.

Please note that a candidate may rely on the economic and financial standing 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.2.3. Technical and/or professional capacity**

#### **Criteria regarding the technical and/or professional ability of subcontractors (that may lead to their rejection)**

List and brief description of conditions:

A list of the most important similar deliveries (references), cf. section II.1.5), carried out within the past 5 (five) years 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 if the minimum requirement for suitability stated

below is fulfilled/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 supplies carried out within the past 5 (five) years and 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 supplies has not been carried out within the past 5 (five) years or if a part of the supplies 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 regards to size, value, quantity or volume) of an ongoing delivery (reference) that has been carried out within the past 5 (five) years.

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 the deliveries are similar to the supplies, described in section II.1.5). The description should also including 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 size/quantity/volume and value 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 the deliveries being to other NATO countries, delivery of secure and non-secure voice communication systems, if the delivery can be approved for NATO Secret, and delivery of systems based on a IP-solution. The list should furthermore include information about the quantity of centers, radiosites and users delivered on each delivery of a secure voice communication system.

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. 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.

Minimum level(s) of standards possibly required

The candidate must demonstrate experience with as a minimum 1 (one) similar delivery within the past 5 (five) years, prior to the deadline for the request to participate. A "similar delivery" shall be understood as a delivery of a secure and non-secure IP-based Voice Communication System and maintenance hereof to a NATO country as described in section II.1.5) and it shall have the possibility to be approved to NATO Secret.

#### **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**

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#### **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 an evaluation of those candidates that have documented the most relevant previous deliveries in comparison to the contract/purchases described in section II.1.5) above, in terms of the nature and quantity of the previous deliveries. Besides nature and quantity DALO will evaluate the quantity of centers, radiosites and users delivered on each delivery of a secure voice communication system positively.

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.

#### **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 no

### **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**

Payable documents: no

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

23.11.2018 - 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**

English.

## **Section VI: Complementary information**

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### **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**

This tender is conducted according to the negotiated procedure, cf. directive 2009/81/EC, article 26. The candidates who will be invited to submit tenders will receive further practical information regarding the negotiated procedure in the instructions to tenderers.

Tenderers are expressly made aware that DALO reserves the right to regard the INDO as a best and final offer (BAFO) and to close the tender procedure and award the contract on the basis of the submitted INDO, ie. without conducting any negotiations.

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 fulfill the formalities of the tender documents.

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

If the candidates request to participate include documents, that are classified, candidates are asked to submit their request to participate in 3 (three) hardcopies and electronically on a CD /USB or equivalent medium in a sealed envelope marked "Danish Defence Acquisition and Logistics Organization (DALO), Post- og varemottagelsen, Lautrupbjerg 1 – 5, DK-2750 Ballerup, Denmark, Att.: Peter Thomsen Juridisk Afdeling, Offer regarding secure voice communication system, must not be opened in the reception". In case of discrepancy between the hardcopy and the electronic version, the hardcopy shall take precedence. The request to participate cannot be submitted by e-mail. The request to participate shall be submitted no later than the date and time stated in section IV.3.4).

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 via ethics. 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 pre-qualification questionnaire referred to above.

DALO demands that candidates must possess security clearance for NATO restricted because the tender material is classified as NATO restricted. The candidate shall possess the security clearance for NATO restricted no later than the time limit for receipt of requests for participation, cf. section IV.3.4). The candidate must as part of the request to participate forward documentation for the candidate's security clearance for NATO restricted.

DALO demands that any person taking part in the performance of the contract must possess the appropriate personnel security clearance at the level required by DALO. The security clearance must be maintained throughout the term of the contract and/or Framework Agreement. See Annex X for further details, which will be forwarded with the tender material to. The total quantity or scope stated in section II.2.1) of this contract notice is the expected value of the contract.

Questions from candidates shall be submitted through ethics no later than the 6.11.2018 using the communication tap. The permalink is stated in section I.1). DALO will answer the received questions no later than 6 days before the deadline for submitting request to participate, cf. section IV.3.4). Questions received later than the date set out above will also be answered unless the nature of the question makes it disproportionately onerous for DALO to answer 6 days before the deadline for submission of the request to participate. Answers to questions received later than 6 days before the deadline for the submission of request to participate cannot be expected.

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

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

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

Postal address: Toldboden 2

Town: Viborg

Postal code: 8800

Country: Denmark

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

Telephone: +45 72405600

Internet address: <http://erhvervsstyrelsen.dk/klagenaevnet-for-udbud>

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

Precise information on deadline(s) for review procedures: Pursuant to Section 3 of the Danish Consolidation Act No. 593 of 2.6.2016 on the Complaints Board for Public Procurement (available at [www.retsinformation.dk](http://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 a short account of the relevant 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:

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 Public Procurement Act (act No. 1564 of 15.12.2015 – available at [www.retsinformation.dk](http://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](mailto:kfst@kfst.dk)

Telephone: +45 41715000

Internet address: [www.kfst.dk](http://www.kfst.dk)

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

15.10.2018