

Denmark-Ballerup: Military satellites

OJ S 222/2017 18/11/2017

Contract notice

Services

Directive 2009/81/EC

Section I: Contracting authority/entity

I.1. Name and addresses

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

National registration number: 16287180

Postal address: Lautrupbjerg 1-5

Town: Ballerup

Postal code: 2750

Country: Denmark

For the attention of: Jesper Nørgaard Kristensen

E-mail: jek@kammeradvokaten.dk

Telephone: +45 72307441

Internet address(es):General address of the contracting authority/entity: <http://www.fmi.dk>Electronic access to information: http://eu.eu-supply.com/app/rfq/rwlenrance_s.asp?PID=198470&B=KAElectronic submission of tenders and requests to participate: http://eu.eu-supply.com/app/rfq/rwlenrance_s.asp?PID=198470&B=KA**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**

Lease of two 5kHz dedicated UHF TACSAT channels.

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

Services

Service category No 3: Defence services, military defence services and civil defence services

Main site or place of performance: The Middle East region.
NUTS code DK 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)

DALO needs to lease two 5kHz dedicated UHF TACSAT channels.

The 2 channels shall support mobile Beyond Line-Of-Sight (BLOS) voice and data communication in the Middle East Area. The 2 channels shall be in 1 or 2 geostationary UHF satellites. At least one of the satellites shall cover both Denmark and The Middle East region. Please note that due to a technical error, information regarding the limitations on the number of operators who will be invited to tender is stated in section IV.3 (and not section IV.1.2).

II.1.6. CPV code(s)

35631000 Military satellites, 32000000 Radio, television, communication, telecommunication and related equipment, 32500000 Telecommunications equipment and supplies

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

With regards to this section II.2.1); DALO deems the value of the 'main' contract excluded the non-mandatory option (with a duration of 6 months) to be 4 500 000 DKK and deems the value of the 'main' contract included the non-mandatory option (with a potential duration of 12 months) to be 9 000 000 DKK.

With regards to section II.2.2) and II.2.3); The duration of the contract is 6 months. However, the tenderers have the possibility to offer an option for a renewal of 1 x 6 months (which will be viewed positively in the tender evaluation), however this is not a minimum requirement.

Estimated value excluding VAT:

Range: between 4 500 000 and 9 000 000 DKK

II.2.2. Information about options

Options: yes

Description of options: The duration of the contract is 6 months. There is a non-mandatory option for renewal of 1 x 6 months. 'Non-mandatory' means that the tenders have the possibility of offering an option for said renewal, however, this is not a minimum requirement.

II.2.3. Information about renewals

This contract is subject to renewal: yes

Number of possible renewals: 1

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

in months: 6 (from the award of the contract)

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

Duration in months: 006 (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

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.

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 capacity of the 5kHz UHF channels shall be available for DALO no later than 5.1.2018. Prior hereto, the availability and functionality of the channels shall be subject to a test conducted by DALO. DALO expects to test can be conducted within 1 or 2 days. Further information regarding the test will be given in the tender material which is forwarded to the pre-qualified candidates.

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.

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

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 (references), cf. section II.1.5), carried out within the past 5 (five) years prior to the deadline for the request to participate. If the delivery in question is ongoing, it is only the part of the service performed and completed at the time of the deadline for the request to participate which will be included in the assessment of the delivery (reference).

The list should preferably include a short description of each delivery. The description of the deliveries should include a clear indication of the deliveries similarity to the services, described in section II.1.5. Furthermore, the list should contain the information requested in the Prequalification Questionnaire which can be found via the electronic tendering system, cf. section I.

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 one similar delivery, cf. section II.1.5) within the past 5 years prior to the deadline for the request to participate.

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

Accelerated negotiated

Due to ensure the security of troops of the Danish Defence deployed in the Middle East region, the Danish Defence has an operational need for leasing 2 x 5kHz UHF satellite channels. These channels shall be available for DALO no later than 5.1.2018. As the timely, operational need renders the normal minimum time-limit impracticably for DALO to comply with — DALO has reduced the time-limits in accordance with section 33(7) in EU Directive 2009/81/EC of the European Parliament and of the Council.

IV.1.2. Information about the limits on the number of candidates to be invited

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

28.11.2017 - 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

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

DALO expects to conclude the contract no later than the 5.1.2018, cf. also section II.1.5) and III.1.4).

With regards to section II.2.2) and II.2.3); The duration of the contract is 6 months. However, the tenderers have the possibility to offer an option for a renewal of 1 x 6 months (which will be viewed positively in the tender evaluation), however this is not a minimum requirement.

With regards to section II.2.1); DALO deems the value of the 'main' contract excluded the non-mandatory option (with a duration of 6 months) to be 4 500 000 DKK and deems the value of the 'main' contract included the non-mandatory option (with a potential duration of 12 months) to be 9 000 000 DKK.

The procedure is conducted as an accelerated negotiated procedure. Hence the time limit for receipt of request to participate is 28.11.2017, cf. section IV.3.4). Furthermore, DALO expects the following tentative time schedule (subject to change); date of dispatch of invitations to tender; 29.11.2017, time limit for receipt of the tenders (first indicative offers ('INDO')); 12.12.2017, contract award; 12.12.2017, signing of contract; 27.12.2017. Please note that DALO as a starting point does not expect to conduct negotiations. Hence, DALO reserves the right to regard the INDO as the best and final offer as DALO expects that the tender evaluation and award of the contract can be conducted on the basis of the first indicative offers. Furthermore, DALO reserves the right to reduce the number of operators during the negotiation (normally stated in section IV.1.3). Further information regarding this is included in the instructions to tenderers which the pre-qualified candidates will receive together with the invitation to submit tender.

Regarding the limitations on the number of operators who will be invited to tender; Due to a technical error, this information could not be stated in section IV.1.2) and hence, the information is stated in this section.

DALO envisages that 3 operators/candidates will be invited to tender. DALO will use the following 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 services described in section II.1.5) above. 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.

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 have prepared a pre-qualification questionnaire which candidates are strongly encouraged to use when submitting their applications for pre-qualification. 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 the electronic tendering system, cf. the link stated in section I.1). Candidates are asked to submit their request to participate via electronic tendering system. The link is stated in section I.1).

Interested operators are requested to keep updated via the electronic tendering system. If the candidate encounters problems with the system, please contact support by e-mail, dksupport@eu-supply.com, or telephone (+45) 70 20 80 14.

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@naevneneshus.dk

Telephone: +45 72405708

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

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), 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).

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

16.11.2017