

Denmark-Ballerup: Fasteners (clothing)

OJ S 169/2022 02/09/2022

Contract notice

Supplies

Legal Basis:

Directive 2014/24/EU

Section I: Contracting authority

I.1. Name and addresses

Official name: Danish Defence Acquisition and Logistics Organisation

National registration number: 16-28-71-80

Postal address: Lautrupbjerg 1-5

Town: Ballerup

NUTS code: DK Danmark

Postal code: 2750

Country: Denmark

Contact person: Caroline Rytter Larsen

E-mail: fmi-sd-alj06@mil.dk

Telephone: +45 72815306

Internet address(es):

Main address: www.fmi.dk

I.2. Information about joint procurement

The contract is awarded by a central purchasing body

I.3. Communication

The procurement documents are available for unrestricted and full direct access, free of charge, at: <https://www.ethics.dk/ethics/eo#/3811ebf2-8e68-4bc7-bfa7-c62a789ec703/publicMaterial>

Additional information can be obtained from the abovementioned address

Tenders or requests to participate must be submitted electronically via: <https://www.ethics.dk/ethics/eo#/3811ebf2-8e68-4bc7-bfa7-c62a789ec703/homepage>

Tenders or requests to participate must be submitted to the abovementioned address

Electronic communication requires the use of tools and devices that are not generally available. Unrestricted and full direct access to these tools and devices is possible, free of charge, at: <https://www.ethics.dk/ethics/eo#/3811ebf2-8e68-4bc7-bfa7-c62a789ec703/homepage>

I.4. Type of the contracting authority

Ministry or any other national or federal authority, including their regional or local subdivisions

I.5. Main activity

Defence

Section II: Object

II.1. Scope of the procurement

II.1.1. Title

Metal Objects

II.1.2. Main CPV code

18450000 Fasteners (clothing)

II.1.3. Type of contract

Supplies

II.1.4. Short description

The Danish Ministry of Defence Acquisition and Logistics Organisation (DALO) wishes to enter into a Framework Agreement that covers the acquisition of Metal Objects for the Danish Defence, the Danish Emergency Management Agency (DEMA) and the Danish Home Guard. Particularly, the following objects are covered; Gold plated Regiment Badges, Gold plated and silver plated distinction of rank and qualification, Gold plated and enamelled coat of arms, shields and wings, Gold plated, silver plated and nickel plated buttons, Gold plated and nickel plated buckles.

DALO intends to use the Deliverables for the Danish Army, the Navy, the Air force, the Home Guard, DEMAs as well as other authorities under the Danish Ministry of Defence.

The Deliverables are to be used for uniforms for the above-mentioned, to signify a person's rank and or affiliation and or qualification, as well as for regiments badges, metal buttons, and or a coat of arms, etc.

II.1.5. Estimated total value

Value excluding VAT: 13 000 000,00 DKK

II.1.6. Information about lots

This contract is divided into lots: no

II.2. Description**II.2.2. Additional CPV code(s)**

18400000 Special clothing and accessories, 18451000 Buttons, 18450000 Fasteners (clothing), 18513300 Articles of precious metal, 18513500 Silversmiths' wares

II.2.3. Place of performance

NUTS code: DK Danmark

NUTS code: DK05 Nordjylland

II.2.4. Description of the procurement

For further information regarding the procurement please also see section II.1.4)

Candidates are advised that DALO will hold a clarification meeting in connection with the prequalification the 22. September 2022, 10:00 CET for all interested candidates, at the premises of DALO or online. Candidates that want to participate in the meeting shall contact DALO by using the communication tab in Ethics.

II.2.5. Award criteria

Price is not the only award criterion and all criteria are stated only in the procurement documents

II.2.6. Estimated value

Value excluding VAT: 13 000 000,00 DKK

II.2.7.

Duration of the contract, framework agreement or dynamic purchasing system

Duration in months: 48

This contract is subject to renewal: no

II.2.9. Information about the limits on the number of candidates to be invited

Maximum number: 5 Objective criteria for choosing the limited number of candidates:

For the purpose of achieving the best possible competition, DALO will choose a number of candidates for participation in the tender procedure based on the candidate's size. Thus, the candidates will be divided into the following groups of enterprises based on information about the candidates' number of full time employees, turnover and balance sheet total: (1) micro and small enterprises and (2) medium-sized and large enterprises. The definition of the said groups are partly based on the Commission Recommendation of 6 May 2003 (2003/361/EC) and is described in full detail in the document "Additional information", which is located at the ETHICS-webportal, cf. section I.3). It is underlined that it is the definition described in the said document that is applicable.

Thus, it is DALO's intention to choose:

-up to 2 candidates which are micro or small enterprises (group 1);

-up to 3 candidates which are medium-sized or large enterprises (group 2).

The number of candidates assigned to each group is based on a market survey that DALO has conducted.

If DALO receives fewer applications for participation within a group than the number of candidates DALO has assigned to that particular group, DALO will not invite additional candidates from other groups.

However, DALO will deviate from this rule if this is necessary to be able to invite (3) three candidates to the tender procedure. In this case, DALO will apply the principles for limitation of candidates as described below within each group and then by priority choose a number of the remaining candidates from group 1 and group 2 until a total of three candidates are invited to participate (only one additional candidate will be chosen from each group, unless there are no remaining candidates in the other groups). For illustration purposes see example hereof in the document "Additional information" available on the ETHICS-webportal, cf. section I.3).

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The candidate must in the ESPD, Part V: Reduction of the number of qualified candidates, state in the textbox for further information, which group of enterprise the candidate is defined as. Furthermore, the candidate should in the textbox submit the most relevant information for determining which group of enterprise the candidate is defined as. As a minimum, the following data should be stated: Number of full time employees, annual turnover and balance sheet total. If the candidate is relying on other entities, cf. above, these entities must also submit an ESPD. However, they shall not provide information about which group of enterprise the entity is, number of full time employees, annual turnover or balance sheet, since this information is already included in the determination of which group of enterprise the candidate is defined as, and this information shall thus instead be stated in the candidate's ESPD, cf. the document "Additional information" available on the ETHICS-webportal, cf. section I.3).

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The candidate must on DALO's request provide documentation establishing that the candidate at the time of application for participation was defined as the specific group of enterprise. Documentation may be annual reports or excerpts thereof, an auditor's statement or equivalent forms of documentation.

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The limitation of candidates within each group of enterprises will be based on an evaluation of which candidates have documented the most relevant previous deliveries in comparison to the

contract/purchases described in section II.1.4) above. In the evaluation, DALO will take into account the nature and quantity of the previous deliveries and the time of delivery so that more recent deliveries will be deemed more relevant than older deliveries. The evaluation will be based on the list submitted by the candidates in the ESPD according to section III.1.3). 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.

II.2.10. Information about variants

Variants will be accepted: no

II.2.11. Information about options

Options: no

II.2.13. Information about European Union funds

The procurement is related to a project and/or programme financed by European Union funds:
no

II.2.14. Additional information

The Agreement is entered into by DALO. However, all divisions of the Danish Ministry of Defence, including all units of the Danish Defence subject to the command of the Chief of Defence is entitled to use the Agreement.

Section III: Legal, economic, financial and technical information

III.1. Conditions for participation

III.1.2. Economic and financial standing

List and brief description of selection criteria:

The candidate must use the European Single Procurement Document (electronic version, hereafter ESPD –) and provide the following information in the ESPD:

Its equity ratio (calculated by dividing the candidate's equity with the candidate's total assets (equity/total assets x 100) at the end of the last 3 (three) financial years, to the extent such information is available, cf. Part IV, section B.

Upon request from DALO, the candidate must submit the following documentation:

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Annual reports or excerpts hereof or other documentation stating the candidate's equity ratio (calculated by dividing the candidate's equity with the candidate's total assets (equity/total assets x 100) at the end of the last 3 (three) financial years, to the extent such information is available. When groups of entities (e.g. consortiums), including temporary joint ventures, participate in the tender procedure together, the documentation must be provided for each of the participating entities. If the candidate relies on the economic and financial standing of another entity or entities (e.g. a parent or sister company or a sub supplier), the documentation must equally be provided for each entity or entities.

Be advised that DALO at any time during the procurement procedure can request that the candidate presents the abovementioned documentation if this is deemed necessary to secure that the procurement procedure is conducted correctly. In this situation, DALO will set an appropriate time limit for the submission of the documentation.

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. In this

case, the candidate shall ensure that an ESPD from the entity or entities on which the candidate relies is submitted along with the candidate's own ESPD. The entity or entities' ESPD must equally provide the information listed above.

Minimum level(s) of standards possibly required:

The candidate must have had positive equity ratio in 2 (two) out of 3 (three) latest financial years. The equity ratio is calculated by dividing the candidate's equity with the candidate's total assets (equity/total assets x 100).

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If the candidate is composed of a group of entities (e.g. consortium), including temporary joint ventures, the equity ratio is calculated by dividing the sum of all the participants' equities with the sum of all the participants' total assets (sum of equity/sum of total assets x 100) 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 equity ratio is calculated by dividing the sum of the candidate's and the entity or entities' equity with the sum of the candidate's and the entity or entities' total assets (sum of equity/sum of total assets x 100) in each of the last 3 (three) financial years available.

III.1.3. Technical and professional ability

List and brief description of selection criteria:

The candidate must use the European Single Procurement Document (ESPD) and provide the following information in the ESPD:

A list of the most important similar deliveries (references), cf. section II.1.4) carried out prior to the deadline for the request to participate cf. Part IV, section C.

The list should preferably include a short description of each delivery. The description should include a clear indication of which specific parts of the deliveries that are similar to the supplies described in section II.1.4) The description should include a description of the candidate's participation/role in the performance of the deliveries. The description should 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). When specifying the date for the deliveries, the candidate should state the date of commencement and completion. 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.

Only the deliveries (references) performed at the time of the deadline for the request to participate will be considered when assessing which candidate has documented the most relevant previous deliveries, cf. section II.2.9). If the delivery in question is ongoing, it is only the part of the supplies 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 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.

The list must contain a maximum of 5 previous deliveries whether the candidate is one entity, composed of a group of entities (e.g. consortium), including temporary joint ventures or relies on the technical and professional capacity of other entities. If the list contains more than 5, DALO will only consider the first 5 deliveries on the list. Deliveries beyond this number will be disregarded.

DALO will evaluate positively if the candidate has experience with; punched items made of brass and German silver, 24 k gold plating, 999 fine silver plating, experience in producing enameled products, which will be deemed more relevant than working with other materials /processes. Furthermore, experience with delivering to organisations similar to DALO e.g.; defence, police, emergency management agencies, etc. will be more relevant than delivery to other not alike organisations.

A candidate may rely on the technical and professional capacity of other entities (e.g. a parent or sister company or sub supplier), irrespective of the legal nature of the relations between the candidate and the entity or entities on which the candidate relies. In this case, the candidate shall ensure that an ESPD from the entity/entities on which the candidate relies is submitted along with the candidate's own ESPD. The entity/entities' ESPD must equally provide the information listed above

The candidate will not be required to present further documentation for the technical and professional capacity (ie. the information in the ESPD is considered sufficient). However, DALO reserves the right to contact the candidate and/or the recipients of the deliveries in order to verify the information stated in Part IV, section C in the ESPD, including details on the specified dates of the performance of the deliveries.

III.2. Conditions related to the contract

III.2.2. Contract performance conditions

Reference is made to the procurement 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 electronic invoicing. Exact terms are stated in the contract.

No particular legal form is required. If the contract is awarded to a group of suppliers (e.g. a consortium), the participants shall undertake joint and several liabilities and to appoint one supplier to represent the group.

The framework agreement contains requirements regarding labour clause, CSR requirements, international sanctions as well as provisions regarding risk assessment and follow-up actions; reference is made to Appendix B and Appendix B.1 for further information. In the procurement of the framework agreement the risk profile is assessed to the following follow-up action (risk level): C. See section VI.3 and "Additional information" for further information.

Section IV: Procedure

IV.1. Description

IV.1.1. Type of procedure

Competitive procedure with negotiation

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

The procurement involves the establishment of a framework agreement
Framework agreement with a single operator

IV.1.5. Information about negotiation

The contracting authority reserves the right to award the contract on the basis of the initial tenders without conducting negotiations

IV.1.8. Information about the Government Procurement Agreement (GPA)

The procurement is covered by the Government Procurement Agreement: yes

IV.2. Administrative information

IV.2.1. Previous publication concerning this procedure

Notice number in the OJ S: [2021/S 094-246201](#)

IV.2.2. Time limit for receipt of tenders or requests to participate

Date: 10/10/2022 Local time: 13:00

IV.2.3. Estimated date of dispatch of invitations to tender or to participate to selected candidates

Date: 15/11/2022

IV.2.4. Languages in which tenders or requests to participate may be submitted

English, Danish

IV.2.6. Minimum time frame during which the tenderer must maintain the tender

Duration in months: 8 (from the date stated for receipt of tender)

Section VI: Complementary information

VI.1. Information about recurrence

This is a recurrent procurement: yes

VI.2. Information about electronic workflows

Electronic ordering will be used

Electronic invoicing will be accepted

Electronic payment will be used

VI.3. Additional information

Regarding section II.1.5): The estimated value of the framework agreement is 13 mio. DKK and the maximum value of the framework agreement is 19 mio. DKK. The reason for the difference between the stated values is the uncertainty regarding the final value of the framework agreement, cf. below. Hence, the estimated value constitutes DALO's most qualified estimate of the value of the framework agreement at the present moment, while the maximum value constitutes the maximum value of purchases under the framework agreement in its duration.

The uncertainty regarding the final value of the framework agreement is primarily caused by uncertainty regarding exactly how extensively the deliverables of the framework agreement will be distributed in the Danish Defence. If decision is made that the deliverables in question shall be utilized by more groups of personnel than what is actually decided for now, this will lead to a significant larger expenditure on the framework agreement than what is expected at the moment.

DALO demands that the candidate and each of the legal entities whose economic and financial capacities the candidate relies on undertake joint and several liability for the performance of the contract.

Regarding section IV.2.4): The request to participate shall be in the language stated in section IV.2.4. Please see the document "Additional information", which is located at the ETHICS-webportal, cf. section I.3), for further information regarding language requirements in the tender procedure.

The framework agreement contains requirements regarding labour clause, CSR requirements, international sanctions as well as provisions regarding risk assessment and follow-up actions. Upon prequalification application, the applicant is asked to sign a self-declaration on

compliance with labour clauses, CSR obligations and international sanctions, cf. "Additional information". If the self-declaration is not signed, the applicant will be excluded from participation in the procurement process. DALO has uploaded a template (available in the ETHICS web portal) which must be used as a statement. See the "Additional information" document, which is available on the ETHICS web portal, for more information.

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The candidate must together with the application submit an ESPD as preliminary evidence of the circumstances set out in § 148(1) (1-3) of the Public Procurement Act.

The candidate and, if relevant, the participants in the group of entities or/and entities on which the candidate relies on, must use the electronic version of the ESPD available at ETHICS' web portal. The ESPD shall be fulfilled and submitted at ETHICS' web portal in accordance with the instructions given by ETHICS. The ESPD document must be signed by the supporting entity. It is not necessary for the candidate to sign the ESPD document. If the candidate is a group of entities (consortiums), each participant's ESPD document must be signed by the participant in question. It is not necessary for the participant submitting the tender to sign his ESPD document.

Prior to decision on award of the contract, DALO shall require that the tenderer to whom DALO intends to award the contract presents documentation for the information stated in the ESPD, cf. §§ 151-155 of the said Act. Please see the document "Additional information", which is located at the ETHICS-webportal, cf. section I.3), for further information on the matter.

The framework agreement is not divided into lots on the grounds described in the document "Additional information", which is located at the ETHICS-webportal, cf. section I.3).

For further information regarding this procurement and the negotiation phase, please see the document "Additional information", which is located at the ETHICS-webportal, cf. section I.3). DALO does not provide remuneration for the participants in the tender.

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Tenderers are made aware that DALO reserves the right to regard the Indicative offer (INDO) as the best and final offer (BAFO)

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@naevneneshus.dk

Telephone: +45 72405600

Internet address: <https://naevneneshus.dk/start-din-klage/klagenaevnet-for-udbud/>

VI.4.3. Review procedure

Precise information on deadline(s) for review procedures:

Pursuant to the Danish Consolidation Act no. 593 of 2 June 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 an account of the reasons for the decision.

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- 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. The time limit is calculated from the day after the publication date.
 - 2) 30 calendar days starting the day after the contracting authority has notified 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 an account of the reasons for the decision.
 - 3) 6 months after the contracting authority has entered into the framework agreement, calculated starting the day after the contracting authority has sent notification to the candidates and tenderers involved, cf. § 2(2) or § 171(4) of the Public Procurement Act, provided that the notification included an account of the 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. § 185(2) of the Public Procurement Act.
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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) .

Contact information for 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 on the website stated in section VI.4.1).

VI.4.4. 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: www.kfst.dk

VI.5. Date of dispatch of this notice

29/08/2022