

Denmark-Ballerup: Flight simulators
OJ S 212/2018 03/11/2018
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 Organization (DALO)

National registration number: 16287180

Postal address: Lautrupbjerg 1

Town: Ballerup

NUTS code: DK01 Hovedstaden

Postal code: 2750

Country: Denmark

Contact person: Nicolaus Falk-Scheibel

E-mail: nifa@kammeradvokaten.dk

Telephone: +45 72307869

Internet address(es):

Main address: <http://www.forsvaret.dk/fmi>

Address of the buyer profile: <https://eu.eu-supply.com/ctm/Company/CompanyInformation/Index/281402>

I.3. Communication

The procurement documents are available for unrestricted and full direct access, free of charge, at: http://eu.eu-supply.com/app/rfq/rwlenrance_s.asp?PID=179498&B=KA

Additional information can be obtained from the abovementioned address

Tenders or requests to participate must be submitted electronically via: http://eu.eu-supply.com/app/rfq/rwlenrance_s.asp?PID=179498&B=KA

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

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

Acquisition of the Flight Simulator Training Device for the Danish Multi Role Helicopter, EH101, Model 0512 and Additional Sustainment Services

II.1.2. Main CPV code

34741400 Flight simulators

II.1.3. Type of contract

Supplies

II.1.4. Short description

Please see Section II.2.4).

II.1.5. Estimated total value

Value excluding VAT: 442 000 000,00 DKK

II.1.6. Information about lots

This contract is divided into lots: no

II.2. Description

II.2.2. Additional CPV code(s)

34700000 Aircraft and spacecraft, 34740000 Aircraft or spacecraft equipment, trainers, simulators and associated parts, 35610000 Military aircrafts, 35740000 Battle simulators

II.2.3. Place of performance

NUTS code: DK04 Midtjylland

Main site or place of performance: Karup.

II.2.4. Description of the procurement

The Danish Defence Acquisition and Logistics Organization (DALO) wants to procure a full motion Flight Simulator Training Device (FSTD) for the Danish Multirole Helicopter (DMRH) EH101, model 0512, and additional sustainment services. The OEM of the DMRH is Leonardo Helicopters.

The contract includes the following elements:

- the delivery of the FSTD,
- delivery of sustainment services for FSTD, including documentation, modification, repairs etc.

The FSTD:

The FSTD shall serve as a 1:1 training capability to the DMRH EH101 and shall comply with ICAO 9625 Type V and EASA CS-FSTD(H) Level D. In addition to the civil ICAO and EASA requirements, the FSTD shall furthermore fulfil a selection of military and mission functions to support both Search and Res-cue (SAR) and Tactical Troop Transport (TTT) mission training. The Acquisition Contract includes three options regarding:

- 1) the Obstacle Warning System (OWS);
- 2) courseware; and
- 3) playback data from the DMRH Emergency Avionic System (EAS).

For further information please see the Acquisition Contract and the requirement specification in Annex A.

The FSTD building:

The simulator shall be delivered at the Danish Airbase, Karup (Denmark), and installed in a special simulator building. The simulator building will be built by the Danish Defence. The FSTD supplier shall participate in the project planning for the building. For Further information please see Annex AF.

The delivery of DMRH documentation and manuals and the Acquisition of the DMRH Data Package:

DALO will not provide the DMRH flight data. The FSTD supplier shall acquire the DMRH Data Package, including flight data and engineering data. The Data Package can be acquired by flight testing, engineering, reverse engineering, tweaking of existing data, acquisition from the

DMRH OEM — Leonardo Helicopters — or a combination hereof. An acquisition from the OEM presupposes the formation of a Non-Disclosure Agreement (NDA) with Leonardo Helicopters. Only candidates that are prequalified should contact Leonardo Helicopters and enter into a NDA with Leonardo Helicopters. For further information on the formation of the NDA with Leonardo Helicopters, please see the Instructions to Tenderers.

In support of flight test data DALO provides the possibility to acquire DMRH data by flight testing on a DMRH for a period of maximum 6 (six) months. Flight testing within this period and within a scheduled flight plan shall not be paid by the FSTD supplier, but the cost will be added to the FSTD supplier's offer as part of DALO's evaluation. For further information on cost and scoping of flight test, please see Annex AE.

Related services:

The contract includes a Sustainment Agreement (Annex Y), including a number of services regarding the sustainment of the DALO FSTD daily operations. Services required includes:

- information management,
- documentation,
- configuration management,
- project management,
- training,
- engineering and modification,
- spare parts and other items,
- helpdesk,
- D-level repair,
- phasing out,
- field service representative (option), maintenance service (option).

For further information please see the sustainment contract and the requirement specification in Appendix A.1.

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

II.2.7. Duration of the contract, framework agreement or dynamic purchasing system

Duration in months: 84

This contract is subject to renewal: yes

Description of renewals:

The initial contract period is 84 months with options for the extension of the contract with 2 times 7 years. Consequently, if DALO exercises both options for extending the contract with 7 years, the contract period will be 252 months. Thus, the maximum contract period is 252 months.

II.2.9. 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 which of the candidates that document the most relevant previous deliveries (references) for the past 7 financial years in relation to the contract /purchases described in Section II.2.4) above, in terms of the nature and quantity of the previous deliveries (in that order).

The evaluation will be based on the list submitted by the candidates in the European Single Procurement Document (ESPD) according to Section III.1.3).

In this regard “the most relevant deliveries” means references that document the candidates' previous experiences with similar flight simulators in terms of scope and complexity, e.g.:

- multi-crew/multi-engine simulators qualified to ICAO Document 9625 Vol II Type 5 that incorporate by installation, testing and/or operation specific military equipment identical to the real platform in accordance with the relevant military specification, and/or
- multi-crew/multi-engine simulators qualified to EASA CS-FSTD(H) Level D that incorporate by installation, testing and/or operation specific military equipment identical to the real platform in accordance with the relevant military specification.

Please note that any ambiguities and/or incomprehensibilities in the information submitted may be regarded negatively in the evaluation when selecting the limited number of candidates.

II.2.10. Information about variants

Variants will be accepted: no

II.2.11. Information about options

Options: yes

Description of options:

The contract includes three options:

- the Obstacle Warning System (OWS),
- courseware,
- playback data from the DMRH Emergency Avionic System (EAS)

For further information please see the requirement specification in Annex A.

The sustainment contract includes 2 options:

- Field Service Representative (FSR),
- maintenance on-site O-level/I-level.

For further information please see the requirement specification Appendix A.1.

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 contract is not divided into lots.

The tender concerns the delivery of a complex Flight Simulator Training Device for the DMRH. This makes it important that both the delivery of the FSTD and the subsequent sustainment services is preformed by the same supplier.

A division of the contract into lots will be at risk to the functionality and operability of the FSTD.

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 (hereafter ESPD — electronic version eESPD) and provide the following information in the eESPD:

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/tenderer must submit the following documentation:
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 (eg. a parent or sister company or a sub supplier), the documentation must equally be 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 eESPD from the entity or entities on which the candidate relies is submitted alongside the candidate's own eESPD. The entity or entities' eESPD must equally provide the information listed above.

Minimum level(s) of standards possibly required:

The candidate must have had an equity ratio of at least 5 (five) percent for each of the last 3 (three) financial years. The equity ratio is calculated by dividing the candidate's equity with the candidate's total assets (equity/total assets x 100).

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 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 (hereafter ESPD — electronic version eESPD) and provide the following information in the eESPD:

A list of the most important similar deliveries (references), cf. Section II.2.4) carried out within the past 7 (seven) years 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 and furthermore include the following:

- the description should include a clear indication on which specific parts the deliveries are similar to the purchase described in Section II.2.4),
- the description should also include a description of the candidate's part(s) in the performance of the deliveries, and
- the description should contain information on the date* of the deliveries, the size 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 in-formation 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 services 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).

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. In this case, the candidate shall ensure that an eESPD from the entity or entities on which the candidate /tenderer relies is submitted alongside the candidate's/tenderer's own eESPD. The entity or entities' eESPD must equally provide the information listed above.

The candidates will not be required to present further documentation for the technical and professional capacity (i.e. the information stated in the eESPD 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 eESPD, including details on the specified dates of the performance of the deliveries.

Minimum level(s) of standards possibly required:

The candidate's list must contain a minimum of 2 (two) 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.

DALO will only consider 5 (five) previous deliveries. If the list contains more than 5 (five) DALO will only consider the first deliveries on the list. Deliveries beyond that will be disregarded.

III.2. Conditions related to the contract

III.2.2. Contract performance conditions

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.

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 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 appoint one supplier to represent the group.

DALO demands that all persons taking part in the performance of the contract must possess the appropriate personnel security clearance at the level required by DALO. The security clearance is a requirement and must be maintained throughout the term of the contract.

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

IV.1.4. 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

IV.1.5. Information about negotiation

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: [2018/S 152-348433](#)

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

Date: 03/12/2018 Local time: 13:00

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

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

Danish, English

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

Duration in months: 9 (from the date stated for receipt of tender)

Section VI: Complementary information

VI.1. Information about recurrence

This is a recurrent procurement: no

VI.3. Additional information

The request to participate shall be in the languages stated in Section IV.2.4).

This tender is conducted according to the negotiated procedure, cf. Danish Act on Public Procurement (act No. 1564 of 15.12.2015) § 61 to § 66. The candidates who will be invited to submit tenders will receive further practical information regarding the negotiated procedure in the Instructions to Tenderers.

DALO demands that the candidate and each of the legal entities whose capacities the candidate relies on undertake joint and several liability for the performance of the contract. The use of the eESPD is a precondition for participation in the procurement procedure, cf. § 148 of the Public Procurement Act. DALO shall require that the candidate apply the eESPD as preliminary evidence that the candidate is not subject to the grounds of exclusion stipulated in § 135 and § 136 of the said Act, that the candidate fulfils the minimum requirements for suitability fixed in accordance with § 140, cf. Section III.1.2) and III.1.3) and how the candidate fulfils the objective and non-discriminatory criteria of selection, cf. § 145(2), cf. Section II.2.9). If the candidate relies on the capacity of other entities an eESPD from the entity or entities on which the candidate relies must also be submitted. When groups of entities (e.g. consortiums), including temporary joint ventures, participate in the tender procedure together, each of the participating entities must complete a separate eESPD with the information required. The candidates (the participants in the group of entities/supporting entities) must use the electronic version of the ESPD (eESPD). DALO has prepared an eESPD (an XML-file) available at www.digitaleudbud.dk. DALO strongly encourages the candidate to use this XML-file when completing the eESPD. The candidate must upload the XML-file to this website <https://ec.europa.eu/growth/tools-databases/espd/welcome>, where the eESPD can be completed and later exported. No other versions than the eEPSPD should be used.

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 eESPD, cf. §§ 151-155 of the said Act. If a candidate relies on the capacity of other entities, the candidate shall upon request provide statements of support or other documentation proving that the candidate has access to the necessary economic and financial standing and/or technical and professional capacity, and that the entity referred to has a legal obligation to the candidate. If such documentation is not provided, DALO cannot consider the economic and financial standing and/or the technical and professional capacity of the other entity or entities. DALO shall exclude a candidate from participation in the procurement procedure, if the candidate is subject to 1 of the compulsory grounds for exclusion in §§ 135 and 136 of the said Act, unless the candidate has provided sufficient documentation that the candidate is reliable in accordance to § 138 of the said Act. Please note that certain voluntary exclusion grounds in Directive 2014/24/EU on public procurement have been made compulsory in § 136 of the said Act. Furthermore, DALO shall exclude a candidate from participation in the procurement procedure, if the candidate is subject to the voluntary ground for exclusion in § 137, stk. 1, No. 2, of the said Act, unless the candidate has provided sufficient documentation that the candidate is reliable in accordance to § 138 of the said Act. For further information see the "Additional Information" document available at the URL adress in Section I.3).

VI.4. Procedures for review

VI.4.1. Review body

Official name: Klagenævnet for Udbud
Postal address: Nævnenes Hus, Toldboden 2
Town: Viborg
Postal code: 8800
Country: Denmark
E-mail: klfu@naevneneshus.dk
Telephone: +45 72405708
Internet address: <https://erhvervsstyrelsen.dk/klagevejledning-0>

VI.4.3. 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 standstill period, cf. § 6(4) of the Act on The Complaints Board for Public Procurement. If the complaint has not been lodged in the standstill 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 email 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.4.4. 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

31/10/2018