

Denmark-Ballerup: Liquid air
OJ S 200/2020 14/10/2020
Contract notice
Supplies

Directive 2009/81/EC

Section I: Contracting authority/entity

I.1. Name and addresses

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

National registration number: 16287180

Postal address: Lautrupbjerg 1

Town: Ballerup

Postal code: 2750

Country: Denmark

E-mail: mtk@kammeradvokaten.dk

Telephone: +45 33152010

Internet address(es):

General address of the contracting authority/entity: <http://www.fmi.dk/Pages/forside.aspx>

Electronic access to information: http://eu.eu-supply.com/app/rfq/rwlentrance_s.asp?PID=281729&B=KA

Electronic submission of tenders and requests to participate: http://eu.eu-supply.com/app/rfq/rwlentrance_s.asp?PID=281729&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

Acquisition of Container-based Liquid Oxygen (LOX) Plant Capable of Producing LOX for Use in C-130J Aircraft

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

Supplies

Purchase

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 months: 84

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

Estimated value excluding VAT:

Range: between 300 000 and 500 000 EUR

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

The Danish Defence wants to acquire a container-based LOX-plant, that is capable of producing liquid oxygen (LOX) for use in C-130J aircraft. LOX is used in the emergency supply-system of the pilots in C-130J aircraft, and therefore is the prerequisite for use of any C-130J aircraft in connection with international operation (INTOPS). The emergency supply-system of LOX must be refilled approximately every 2 (two) weeks, whereby C-130J aircraft must be taken out of any operation during the refill. Currently the Danish Defence does not produce LOX itself, and LOX is therefore purchased from different suppliers. When operating in areas with LOX of a poor quality, aircrafts must be taken out of operations for longer periods in order to find LOX that meets the quality requirements of the Danish Defence. In order to increase the availability of the C-130J aircrafts under INTOPS, the Danish Defence wants to acquire a container-based LOX-plant in order to be self-sufficient in LOX. The contract includes the delivery of a container-based LOX-plant capable of producing LOX that is compliant with STANAG 7106, 3. e., April 2015 specifications or equivalent. The LOX-plant, including initial spare part packages, initial education and documentation, will be procured on the basis of an acquisition contract. In addition, DALO wants to enter into a sustainment contract (framework agreement) allowing for the subsequent procurement of additional spare parts, education, sustainment services, including maintenance services and support in a period of 84 months from the delivery of the LOX-plant. The 2 contracts should be seen as a whole and will both be awarded to the successful tenderer. The contract includes an option for purchase of one additional container-based LOX-plant including initial spare part packages, initial education and documentation and a sustainment contract allowing for the sustainment of the additional container-based LOX-plant for a period of 84 months from delivery of the additional LOX-plant. This option can be exercised within 5 years.

II.1.6. CPV code(s)

24113100 Liquid air, 24110000 Industrial gases, 24111000 Hydrogen, argon, rare gases, nitrogen and oxygen, 24111500 Medical gases, 24113000 Liquid and compressed air, 24113200 Compressed air, 42000000 Industrial machinery, 42900000 Miscellaneous general and special-purpose machinery, 42980000 Gas generators, 50400000 Repair and maintenance services of medical and precision equipment, 50500000 Repair and maintenance services for pumps, valves, taps and metal containers and machinery

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

Estimated value excluding VAT:

Range: between 3 000 000 and 5 100 000 EUR

II.2.2. Information about options

Options: yes

Description of options: Delivery of one extra container-based LOX-plant, initial Spare Part package and initial training, including maintenance services and support in a period of 84 months. This option can be exercised within 5 years.

II.2.3. Information about renewals

This contract is subject to renewal: no

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

Duration in months: 156 (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

If advance payments 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 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 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 J 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 offer (but not the request for participation/pre-qualification), the tenderer must submit a declaration stating that the tenderer (1) is not subject to any of the reasons for exclusion stated in art. 39(1) of the Defence and Security Directive (2009/81/EC) and (2) 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 procurement documents, and the tenderer is encouraged – but not obliged - to use it. If the tenderer is composed of a group of entities (e.g. consortium), including temporary joint ventures, a declaration must be submitted for each participating entity.

Be advised that DALO shall exclude a tenderer which has unpaid overdue debt of DKK 100 000 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 overdue debt, will provide collateral for the overdue debt or has entered into an installment agreement, which has not been breached at the time of submitting the offer. Exclusion is pursuant to the reasons for exclusion in the Defence and Security Directive, art. 39(2), paras f and g.

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 guidelines equal to the guidelines provided for in Section 138(1-4) of the Danish Act No 1564 of 15.12.2015, as amended – 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: The candidate must have had a positive equity ratio for each of the last 3 (three) financial years. The equity ratio is calculated by dividing the candidates equity with the candidates 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 (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 candidates and the entity or entities equity with the sum of the candidates 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.

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

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

Restricted

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

Envisaged number of candidates 3

Objective criteria for choosing the limited number of candidates: DALO has not set a maximum number of operators to be invited to tender.

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

9.11.2020 - 23:59

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 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 EU-supply. 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.

All communication in connection with the tender procedure, including questions and answers, must take place through the electronic tendering system. Questions must be submitted not later than 11 December 2020. Questions asked after this date will be answered if they are received in time for the contracting entity to provide the information required and communicate the answers not later than 6 days before expiry of the application deadline. Questions received later than 6 days before expiry of the deadline cannot expect to be answered.

It is noted that the duration stated in section II.3) is the duration of the contract including the optional delivery and in case of the option being exercised and the delivery takes place as late as possible according to the contract.

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 72405600

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

VI.4.2. 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.

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 timelimit 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 starting the day after the contracting authority has sent notification to the candidates and tenderers involved, cf. § 2(2).

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.4.3. 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: <https://www.kfst.dk/>

VI.5. Date of dispatch of this notice

9.10.2020