

Denmark-Ballerup: Sonars
OJ S 207/2020 23/10/2020
Contract notice
Supplies

Directive 2009/81/EC

Section I: Contracting authority/entity

I.1. Name and addresses

Official name: Danish Defence Acquisition and Logistics Organizations

Postal address: Lautrupbjerg 1-5

Town: Ballerup

Postal code: 2750

Country: Denmark

Contact person: Hanne Thode

E-mail: fmi-sd-aam05@mil.dk

Telephone: +45 72814282

Internet address(es):

General address of the contracting authority/entity: <https://www.ethics.dk/ethics/eo#/5ba95825-a5d5-49fa-a5fc-7ddf8402200d/homepage>

Address of the buyer profile: www.fmi.dk

Electronic access to information: <https://www.ethics.dk/ethics/eo#/5ba95825-a5d5-49fa-a5fc-7ddf8402200d/homepage>

Electronic submission of tenders and requests to participate: <https://www.ethics.dk/ethics/eo#/5ba95825-a5d5-49fa-a5fc-7ddf8402200d/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

II.1. Description

II.1.1. Title attributed to the contract by the contracting authority

Towed Array Sonar for the Royal Danish Navy

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

Supplies

Purchase
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)

The Danish Ministry of Defence Acquisition and Logistics Organization (DALO) intend to acquire two Low frequency Active Towed Array Sonar (TAS) systems and a spare wet end for the Royal Danish Navy (RDN).

The TAS systems shall be designed to detect and track submerged submarines. Furthermore, the systems shall be able to detect and track torpedoes.

The systems are to be used for active detection and tracking but will also be used for passive detection, analysis/classification and tracking.

The TAS systems are to be operated from the ABSALON Class (ABSL-CL) Flexible Support Ships, operating on their own or as part of a task group. The TAS systems will be used in an environment where Danish ASW helicopters equipped with dipping sonar and all types of ASW assets from allied nations are operating.

The primary area of deployment and use of the TAS system is the Greenland-Iceland-United Kingdom (GIUK) gap, and secondarily, the Danish approaches in the North Sea, Skagerrak and Baltic. The TAS system shall therefore be a dedicated Blue Water system able to some extent to operate in shallow waters.

The TAS system shall be able to be deployed and retrieved in conditions up to sea-state 5.

When used in North Atlantic conditions the demanded detection ranges are 1st convergence zone (16 Nautical Miles) and beyond.

The TAS system shall be able to operate actively within a frequency range below 3 kHz.

When operating with the TAS system, deployment depths of the sensor(s) shall be at least 130 m at 10 knots towspeed.

The transmitter and receiver parts will be deployed by a limited number of dedicated deck personnel. No mechanically connecting/disconnecting of the wet end parts are to be done by the deck handling crew during deployment and retrieval of the wet end.

For the purpose of training operators, software for a shore based sonar simulator TAS system shall be part of the acquisition.

A sonar protocol simulator will also be purchased for developing the interface for C-Flex Combat Management System (CMS).

The supplier shall provide training service as part of the acquisition.

A sustainment contract with a duration up to 25 years is part of the tender, and shall cover the following services:

- service,
- maintenance,
- spare parts,
- training.

II.1.6. CPV code(s)

38113000 Sonars

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

Two TAS systems, spare wet end, training, software for a shore based sonar simulator, protocol simulator and a sustainment contract providing service up to 25 years.

Estimated value excluding VAT:

Range: between 43 000 000 and 75 000 000 EUR

II.2.2. Information about options

Options: no

II.2.3. Information about renewals

This contract is subject to renewal: yes

Number of possible renewals: 3

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

in months: 216 (from the award of the contract)

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

Duration in months: 300 (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

Candidates are specifically made aware that it will be a condition precedent for signing the contract that the tenderer has entered into an industrial co-operation contract with the Danish Business Authority (Erhvervsstyrelsen). Guidelines for industrial co-operation in Denmark are available at:

Pre-qualified tenderers will be informed about the specific terms of the industrial co-operation contract.

The acquisition contract and sustainment contract must be conducted in consideration of corporate social responsibility and it contains labour clauses, please see Annex F in the Acquisition Contract and Appendix B in the sustainment contract for further information.

DALO demands that the supplier at company level must possess the appropriate facility security clearance at the level of Confidential (EU and Nato Confidential (in Danish 'FORTROLIGT')). The security clearance must be maintained throughout the term of the acquisition contract and sustainment contract. For further details see the acquisition contract and sustainment contract.

It is the candidate's own responsibility to obtain the security clearance required to perform the acquisition contract and sustainment contract.

DALO demands that any person taking part in the performance of the acquisition contract and sustainment contract must possess the appropriate personnel security clearance at the level required by DALO (Confidential (EU and Nato Confidential) (in Danish 'FORTROLIGT')). The security clearance must be maintained throughout the term of the acquisition contract and sustainment contract. For further details see the acquisition contract and sustainment contract.

It is the candidate's own responsibility to obtain the security clearance required to perform the acquisition contract and sustainment contract.

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 instalment 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 – 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:

1) A list of the most important similar deliveries (references), cf. section II.1.5), carried out within the past 15 (fifteen) years prior to the deadline for the request to participate. Only the deliveries (references) which have been delivered and installed 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 15 (fifteen) 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 15 (fifteen) 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 regard to quantity) of an ongoing delivery (reference) that has been carried out within the past 15 (fifteen) 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 include 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 quantity 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 delivery to other NATO countries. 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 sustainment contract, the description of the deliveries should nonetheless contain information on how the date is set.

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 deliveries, DALO will only consider the first 5 deliveries on the list. Deliveries beyond that will be disregarded.

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.

2) Evidence of the ability to process, store and transmit information at the classification level of TIL Tjenestebrug (TTJ)/(Restricted/Nato Restricted (NR)/EU Restricted).

Minimum level(s) of standards possibly required

1) The candidate must demonstrate experience with as a minimum 1 (one) similar delivery within the past 15 (fifteen) years, prior to the deadline for the request to participate. A 'similar delivery' shall in this context be understood as 1 (one) delivery of a low frequency active Towed Array Sonar system on a surface ship with a minimum detection range beyond 1st convergence zone (16 Nautical Miles) in the North Atlantic.

2) The candidate must prior to the deadline for the request to participate be security cleared at the classification level of TIL Tjenestebrug (TTJ)/(Restricted/Nato Restricted (NR)/EU

Restricted) or, if the candidate is not security cleared at this level but is domiciled in Denmark or in a country which has a security agreement with Denmark, sign a confidentiality undertaking.

III.2.4. Information about reserved contracts

III.3. Conditions specific to services contracts

III.3.1. Information about a particular profession

III.3.2. Information about staff responsible for the performance of the contract

Section IV: Procedure

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 which candidates have documented the most relevant previous deliveries in comparison to the contract/purchases described in section II.1.5) above. In the evaluation, DALO will take into account the nature of the previous deliveries and delivery to other NATO countries. 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

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

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

24.11.2020 - 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

Regarding the value of the sustainment contract and section II.2.1): the estimated value of the sustainment contract is EUR 17 000 000-EUR 34 000 000. The reason for the interval stated is the uncertainty regarding the actual value of the sustainment contract. Hence, the lower limit of the interval constitutes DALO's most qualified estimate of the actual value of the sustainment contract at the present moment, while the upper limit of the interval constitutes the expected maximum value of the sustainment contract in its duration.

Regarding requirements to security clearance in section III.2.3): the confidentiality undertaking is available as part of the pre-qualification questionnaire. A list of the countries which has a security agreement with Denmark can be found in FKOBST 358-1, chapter 1 under 'Militære sikkerhedsaftaler' (Military security agreements) (available at www.fe-ddis.dk). A candidate domiciled in a country which has an agreement with Denmark but this agreement is not mentioned in FKOBST 358-1, chapter 1 under 'Militære sikkerhedsaftaler' (Military security agreements) must take appropriate steps in order to prove that such an agreement exists.

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 December 2015, the Public Procurement Act, if applications or tenders do not fulfil the formalities of the procurement 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.

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). Tenders cannot be submitted by e-mail due to the fact that the tender material contains classified information to the level of TIL Tjenestebrug (TTJ)/(Restricted/Nato Restricted (NR) /EU Restricted). Further instructions will be described in the Instructions to tenderers. 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. The Contract and sustainment contract 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 sustainment contract.

VI.4. Procedures for review

VI.4.1. Review body

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

National registration number: Nævnenes Hus

Postal address: Toldboden 2

Town: Viborg

Postal code: 8800

Country: Denmark

E-mail: klfu@naevneneshus.dk

Telephone: +45 72405600

Internet address: www.klfu.naevneneshus.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: www.kfst.dk

VI.5. Date of dispatch of this notice

20.10.2020