

Denmark-Ballerup: Security, fire-fighting, police and defence equipment

OJ S 181/2023 20/09/2023

Contract notice

Supplies

Directive 2009/81/EC

Section I: Contracting authority/entity

I.1. Name and addresses

Official name: Danish Ministry of Defence Acquisition and Logistics Organisation

Postal address: Lautrupbjerg 1-5

Town: Ballerup

Postal code: 2750

Country: Denmark

Contact person: Andreas Latif

E-mail: FMI-SD-AAM06@mil.dk

Telephone: +45 29606452

Internet address(es):General address of the contracting authority/entity: www.fmi.dkElectronic access to information: <https://www.ethics.dk/ethics/eo#/bc612ce8-7f74-4f6a-bc0e-9708fc7f8469/homepage>Electronic submission of tenders and requests to participate: <https://www.ethics.dk/ethics/eo#/bc612ce8-7f74-4f6a-bc0e-9708fc7f8469/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**

Propelling Charges and Target practice projectiles for 127-mm (5") naval guns

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

Supplies

NUTS code DK0 Denmark

II.1.3. Information about framework agreement

II.1.4. Information about framework agreement

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

DALO is preparing a tender on the acquisition of 2000 propelling charges and Target projectiles for 127-mm (5 ") naval guns.

II.1.6. CPV code(s)

35000000 Security, fire-fighting, police and defence equipment, 35332000 Ammunition for naval warfare, 35322000 Artillery

II.1.7. Information about subcontracting

The tenderer has to indicate in the tender any share of the contract it may intend to subcontract to third parties and any proposed subcontractor, as well as the subject-matter of the subcontracts for which they are proposed

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

II.2. Scope of the procurement

II.2.1. Total quantity or scope

2000

Estimated value excluding VAT: 5 900 000,00 EUR

II.2.2. Information about options

Options: no

II.2.3. Information about renewals

This contract is subject to renewal: no

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

Section III: Legal, economic, financial and technical information

III.1. Conditions related to the contract

III.1.1. Deposits and guarantees required

N/A

III.1.2. Main financing conditions and payment arrangements and/or reference to the relevant provisions governing them

N/A

III.1.3. Legal form to be taken by the group of economic operators to whom the contract is to be awarded

N/A

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 contains requirements regarding labour clause, CSR requirements, international sanctions as well as provisions regarding risk assessment and follow-up actions.

In the procurement of the contract/framework agreement the risk profile is assessed to the following follow-up action (risk level: B). Further information regarding the requirements and follow-up actions is available on DALO's webpage and will be described in the tender material. Reference is also made to section VI.3.

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) or art. 39(2), para d, of the Defence and Security Directive (2009/81/EC) and section 134 a of The Public Procurement Act, 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 over-due 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 – 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: N/A

Minimum level(s) of standards possibly required: N/A

Criteria regarding the economic and financial standing of subcontractors (that may lead to their rejection)

List and brief description of conditions: N/A

Minimum level(s) of standards possibly required: N/A

III.2.3. Technical and/or professional capacity

Criteria regarding the technical and/or professional ability of economic operators (that may lead to their exclusion)

List and brief description of conditions:

A list of the most important similar deliveries (references), cf. section II.1.5) [in regards to the lot or lots which the candidate has requested to participate], carried out within the past 50 (fifty) years prior to the dead-line for the request to participate. Only the deliveries (references) performed 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 [services / supplies] [carried out within the past 50 (fifty) 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 [services/supplies] has not been [carried out within the past 50 (fifty) years or if a part of the [services/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/tenderer clearly states which part (e.g. with regard to size, value, quantity or volume) of an ongoing delivery (reference) that has been carried out [within the past 50 (fifty) 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 [services / supplies], described in section II.1.5, in regards to the lot or lots which the candidate has requested to participate. The description should also including 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 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), and [evt. andre forhold, som man gerne ser omtalt på referencelisten]. 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 framework agreement, the description of the deliveries should nonetheless contain information on how the date is set. The list must contain a maximum of 5 (five) 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 (five), DALO will only consider the first 5 (five) 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.

Minimum level(s) of standards possibly required

N/A

Criteria regarding the technical and/or professional ability of subcontractors (that may lead to their rejection)

List and brief description of conditions:

N/A

Minimum level(s) of standards possibly required

N/A

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 5

Objective criteria for choosing the limited number of candidates: The limitation of candidates will be based on an evaluation of those candidates that have documented the most relevant previous deliveries in comparison to the contract/purchases described in section II.1.5) [in regard to the lot or lots in respect of which the candidate has requested to participate] above. In the evaluation, DALO will take into account the nature 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 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

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

Prior information notice

Notice number in the OJ S: [2023/S 051-150278](#) of 13.3.2023

IV.3.3. Conditions for obtaining specifications and additional documents or descriptive document

Payable documents: no

IV.3.4. Time limit for receipt of tenders or requests to participate

23.10.2023 - 13:00

IV.3.5. Estimated date of dispatch of invitations to tender or to participate to selected candidates

18.9.2023

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

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. Regarding section IV.3.6): The request to participate shall be in the language stated in section IV.3.6), how-ever, the candidate/tenderer can provide the following requested documentation Appendix A-E and Special Appendix 1-7 in English.

DALO have prepared a prequalification 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). /The questionnaire is available upon request from the contact point stated in section I.1) above.

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. 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. DALO demands that the candidate /tenderer and each of the legal entities whose economic and financial ca-pacities the candidate /tenderer relies on undertake joint and several liability for the performance of the contract. A template for a declaration from the supporting entity to this effect is included in the prequalification questionnaire referred to above. Attention is drawn to Article 5k in Regulation (EU) No 833/2014, as amended, which applies for the tender procedure. The provision contains a prohibition against award of contracts to Russian companies and Rus-sian controlled companies etc. (reference is made to Article 5k, section 1, for the exact delimitation of the actors covered by the prohibition). DALO may at any time during the tender process require that the candi-dates/tenderers prove that they are not covered by the prohibition, for example by requiring a declaration to this effect and/or documentation regarding the candidates'/tenderers' and any subcontractors' place of establishment and ownership.

VI.4. Procedures for review

VI.4.1. Review body

Official name: Klagenævnet for udbud
National registration number: Toldboden 2
Postal address: Toldboden 2
Town: Viborg
Postal code: 8800
Country: Denmark
E-mail: klfu@naevneneshus.dk
Telephone: +45 72405600

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 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 re-opening 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
National registration number: Carl Jacobsens Vej 35
Postal address: 2500
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

15.9.2023