

**Denmark-Ballerup: Clothing, footwear, luggage articles and accessories**

OJ S 220/2021 12/11/2021

Contract notice

Supplies

**Legal Basis:**

Directive 2014/24/EU

**Section I: Contracting authority**

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**I.1. Name and addresses**

Official name: The Danish Ministry of Defence Acquisition and Logistics Organisation

Postal address: Lautrupbjerg 1-5

Town: Ballerup

NUTS code: DK Danmark

Postal code: 2750

Country: Denmark

Contact person: KAPS - Emil Haun Hansen

E-mail: [ehha@kammeradvokaten.dk](mailto:ehha@kammeradvokaten.dk)**Internet address(es):**Main address: [www.fmi.dk](http://www.fmi.dk)**I.3. Communication**

Access to the procurement documents is restricted. Further information can be obtained at:

[http://eu.eu-supply.com/app/rfq/rwlenrance\\_s.asp?PID=315880&B=KA](http://eu.eu-supply.com/app/rfq/rwlenrance_s.asp?PID=315880&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=315880&B=KA](http://eu.eu-supply.com/app/rfq/rwlenrance_s.asp?PID=315880&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**

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**II.1. Scope of the procurement****II.1.1. Title**

Parade uniforms for the Danish Defence and the Danish Emergency Management Agency

**II.1.2. Main CPV code**

18000000 Clothing, footwear, luggage articles and accessories

**II.1.3. Type of contract**

Supplies

**II.1.4. Short description**

This tender regards a framework agreement concerning delivery of parade uniforms for the Danish Defence and the Danish Emergency Management Agency (DEMA). It also includes delivery of ordinary suits for the Danish Defence. Parade uniforms are used as an identifying item by the employees within the Danish Defence and DEMA, and are used during office work and official appearances, e.g. during parades and ceremonies.

#### **II.1.5. Estimated total value**

Value excluding VAT: 37 000 000,00 DKK

#### **II.1.6. Information about lots**

This contract is divided into lots: no

### **II.2. Description**

#### **II.2.2. Additional CPV code(s)**

18200000 Outerwear, 18230000 Miscellaneous outerwear, 18232000 Skirts, 18233000 Shorts , 18234000 Trousers, 18400000 Special clothing and accessories, 18423000 Ties

#### **II.2.3. Place of performance**

NUTS code: DK Danmark

#### **II.2.4. Description of the procurement**

The parade uniforms for the Danish Defence are worn by personnel who represents the Danish Defence. The parade uniforms give the personnel an affiliation to a specific guard within the Danish Defence, including the Army, the Air Force and the Navy. The parade uniforms shall be able to be worn in connection with existing parade uniforms, i.e. parade uniforms which have already been purchased by DALO. Due to this special use and purpose to the combination of existing and new uniforms, it is important that the uniforms in design, sizing, system and colours are the same as the uniforms are today (the existing uniforms). The Supplier is obligated to buy the stock of fabric (on the terms specified in the framework agreement), that DALO may have purchased previously on a separate agreement. The exact amounts of such stock of fabric have not yet been determined, however, the maximum amounts of DALO's stock of fabric will be the following:

- Medium green – FMT-00000060 – 1600 meters
- Grey green – FMT-00000060 – 2200 meters
- Dark Navy, BRS & SVN - TD-26000153 – 2900 meters
- Melange Blue FMT-00000060 – 2000 meters
- White – PO/CO FMT-00000040 – 2900 meters
- White – 100 % CO FMT-00000040 – 3300 meters
- Dark Navy Blue – WO/POFMT-00000225 – 1600 meters

The evaluation process will include the tenderer sending test samples. A DALO expert panel will conduct an evaluation of each item according to specified criteria. The tenderers do not need to buy fabric from DALO to provide test samples. However, the prequalified candidates shall request DALO to send the fabric to produce the test samples. The fabric will be sent to the prequalified candidates along with the patterns necessary to produce the test samples, cf. the description in section VI.3).

#### **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: 37 000 000,00 DKK

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

Duration in months: 48

This contract is subject to renewal: yes

Description of renewals:

The agreement may be renewed for up to two years

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

Envisaged number of candidates: 4  
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) microenterprises, (2) small enterprises, (3) medium-sized enterprises and (4) 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 electronic tendering system, 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 two candidates which are micro or small enterprises (group 1);
- up to two candidates which are medium-sized or large enterprises (group 2).

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 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 or group 2 (as the case may be) until a total of three candidates are invited to participate. For illustration purposes see example hereof in the document "Additional information" available via the electronic tendering system, cf. section I.3). The candidate should in the ESPD, Part V: Reduction of the number of qualified candidates, state in the text-box 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, i.e. the following data should be stated: Number of full time employees, annual turnover and balance sheet total for the last three consecutive financial years (to the extent available). If the candidate is relying on other entities, 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 instead be stated in the candidate's ESPD, cf. the document "Additional information" available via the electronic tendering system, cf. section I.3).

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.

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) and section II.2.4) above. In the evaluation, DALO will take into account the nature and quantity/value 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 European Single Procurement Document (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: yes

Description of options:

DALO shall be entitled to supply the Supplier with fabric. If DALO chooses to exercise this option, the Supplier shall no longer acquire fabric for the production of the Deliverables. In that case the prices will be adjusted as specified in the framework agreement.

#### **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 framework agreement is not divided into lots on the grounds that a division of the contract would undermine the economies of scale obtainable by procuring one contract.

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**

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#### **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 each of the last three financial years, to the extent such information is available, cf. Part IV, section B, of the ESPD.

Upon request from DALO the 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 each of the last 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 above mentioned 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 a positive equity ratio for each of the last 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 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 three financial years available.

### **III.1.3. Technical and professional ability**

List and brief description of selection criteria:

The candidate must use the ESPD and provide the following information in the ESPD: A list of the most important similar deliveries (references), cf. section II.1.4) and II.2.4), carried out prior to the deadline for the request to participate, cf. Part IV, section C. The list should include a description of each delivery, including a clear indication of which specific parts of the deliveries that are similar to the supplies as described in section II.1.4) and II.2.4). If the candidate did not perform the delivery alone, the description should also 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 completed 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 whether the delivery concerned delivery of the candidate's own collection or if the delivery was made according to technical specifications specified by the buyer. 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 completed 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 delivery completed at the time of the deadline for the request to participate which will be included in the assessment of the delivery. Consequently, if a part of the delivery 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. Therefore, it is important that the candidate clearly states which part (e.g. with regards to size, value, quantity or volume etc.) of an ongoing delivery that has been carried out. If a delivery has been carried out during a substantial number of years, the candidate should also state which part (e.g. with regards to size, value, quantity or volume etc.) of the delivery in question that has been carried out within the most recent years. The list should contain a maximum of five references, irrespective of 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 five references, DALO will only consider the five references with the most recent commencement date on the list. Deliveries beyond this number will be disregarded. 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 ESPD from the entity or entities on which the candidate relies is submitted along with the candidates own ESPD. The entity or entities' ESPD must equally provide the information listed above. The candidate will not be required to present further documentation of the technical and professional capacity (i.e. the information stated 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 shall appoint one supplier to represent the group.

The framework agreement must be conducted in consideration of corporate social responsibility (CSR) and it contains a labour clause, please see Appendix B of the framework agreement for further information.

## **Section IV: Procedure**

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### **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 189-491016](#)

#### **IV.2.2.**

## **Time limit for receipt of tenders or requests to participate**

Date: 10/12/2021 Local time: 08:00

### **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: 6 (from the date stated for receipt of tender)

## **Section VI: Complementary information**

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### **VI.1. Information about recurrence**

This is a recurrent procurement: no

### **VI.3. Additional information**

Regarding section II.1.5): The estimated value of the framework agreement is DKK 23 mio. and the maximum value of the framework agreement is DKK 37 mio. 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.

The use of the ESPD is a precondition for participation in the procurement procedure, cf. § 148 of the Public Procurement Act. DALO shall require that the candidate apply the ESPD 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 how the candidate fulfils the objective and non-discriminatory criteria of selection, cf. § 145(2), cf. section II.2.9).

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 via the electronic tendering system. The ESPD shall be fulfilled and submitted via the electronic tendering system in accordance with the instructions given by the electronic tendering system. 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.

Regarding section I.3): Production of the parade uniforms require access to patterns. For confidentiality reasons, these patterns will only be provided to the candidates that are invited to submit a tender. DALO will provide the patterns (digitally) to the prequalified candidates shortly after the invitation to tender has been sent.

For further information regarding this procurement, please see the enclosed document "Additional information to Contract Notice".

DALO does not provide remuneration for the participants in the tender.

The negotiation phase is generally expected to proceed as follows:

After receiving the initial tenders, negotiation meetings will be held with the tenderers.

During the negotiation process, the tenderers can ask questions in writing about the tender material and the subject of the contract.

Following the negotiations, DALO may issue a revised tender material for a further initial or final offer. Tenderers will at the same time be informed hereof with a request to submit an initial or final tender.

After receiving the final tenders, DALO conducts tender evaluation and decides on the award of the contract.

Reference is made to the more detailed description in the tender conditions.

#### **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](mailto:klfu@naevneneshus.dk)

Telephone: +45 72405600

Internet address: <https://kfu.naevneneshus.dk/>

##### **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](http://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 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. 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

Postal address: Carl Jacobsens Vej 35

Town: Valby

Postal code: 2500

Country: Denmark

E-mail: [kfst@kfst.dk](mailto:kfst@kfst.dk)

Telephone: +45 41715000

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

#### **VI.5. Date of dispatch of this notice**

09/11/2021