

Denmark-Copenhagen: Security, fire-fighting, police and defence equipment**OJ S 188/2023 29/09/2023****Contract notice****Supplies****Legal Basis:**

Directive 2014/24/EU

Section I: Contracting authority

I.1. Name and addresses

Official name: Rigspolitiet
National registration number: 17143611
Postal address: Polititorvet 14
Town: København V
NUTS code: DK Danmark
Postal code: 1780
Country: Denmark
Contact person: Maria Boesen
E-mail: MBO060@politi.dk
Internet address(es):
Main address: www.politi.dk

I.1. Name and addresses

Official name: Polismyndigheten
Town: Stockholm
NUTS code: SE Sverige
Country: Sweden
E-mail: MBO060@politi.dk
Internet address(es):
Main address: www.polisen.se

I.1. Name and addresses

Official name: Politiets fellestjenester
Town: Jaren
NUTS code: NO Norge
Country: Norway
E-mail: MBO060@politi.dk
Internet address(es):
Main address: www.politi.no

I.1. Name and addresses

Official name: Ríkislögreglustjóri
Town: Reykjavík
NUTS code: IS Ísland
Country: Iceland
E-mail: MBO060@politi.dk
Internet address(es):
Main address: <https://www.logreglan.is/>

I.1. Name and addresses

Official name: Forsvarsministeriets Materiel- og Indkøbsstyrelse

Town: Ballerup

NUTS code: DK Danmark

Country: Denmark

E-mail: MBO060@politi.dk

Internet address(es):

Main address: www.fmi.dk

I.2. Information about joint procurement

The contract involves joint procurement

In the case of joint procurement involving different countries, state applicable national procurement law:

The tender procedure is conducted in accordance with the Danish Act on Public Procurement (act no. 1564 of 15.12.2015 – available at www.retsinformation.dk)

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=378331&B=RIGSPOLITIET

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=378331&B=RIGSPOLITIET

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

Public order and safety

Section II: Object

II.1. Scope of the procurement

II.1.1. Title

CS-gas

II.1.2. Main CPV code

35000000 Security, fire-fighting, police and defence equipment

II.1.3. Type of contract

Supplies

II.1.4. Short description

The Danish National Police is tendering framework agreements for the purchase of CS-gas and training ammunition and products. The framework agreements are entered into by the Danish National Police on behalf of the authorities stated in section I.2) which are entitled to use the Framework Agreements.

The tender is divided into the following three lots:

Lot 1: CS-gas - 40 mm x 46 mm low velocity grenade ammunition.

Lot 2: CS-gas - Hand Grenade.

Lot 3: CS-gas - Spray canister

For further information regarding each lot, please refer to section II.2.4)

It must be noted that the tenderers are required to submit Test Specimen as part of the offer. For further information, please refer to the tender conditions, section 6.5.

II.1.5. Estimated total value

Value excluding VAT: 3 600 000,00 EUR

II.1.6. Information about lots

This contract is divided into lots: yes
Tenders may be submitted for all lots

II.2. Description

II.2.1. Title

CS gas - 40 mm x 46 mm low velocity grenade ammunition.
Lot No: 1

II.2.2. Additional CPV code(s)

35330000 Ammunition, 35220000 Anti-riot equipment, 35200000 Police equipment

II.2.3. Place of performance

NUTS code: SE Sverige
NUTS code: NO Norge
NUTS code: IS Ísland
NUTS code: DK Danmark

II.2.4. Description of the procurement

Lot 1 - CS gas - 40 mm x 46 mm low velocity grenade ammunition includes delivery of the following types of ammunition:

Penetrating irritant dispersal ammunition
Long range crowd control irritant dispersal ammunition
Middle range crowd control irritant dispersal ammunition
Short range crowd control irritant dispersal ammunition
Illumination ammunition
Flash bang ammunition with impact fuse
Penetrating flash bang ammunition with delay fuse
Training ammunition types

The products are to be used as "Less lethal" ammunition in crowd control situations, where velocity and accuracy are essential as well as related training scenarios. For further information, please refer to the tender material, Appendix 1: Requirements specification for 40x46mm velocity grenade ammunition.

II.2.5. Award criteria

Criteria below
Price

II.2.6. Estimated value

Value excluding VAT: 2 000 000,00 EUR

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

Duration in months: 48
This contract is subject to renewal: no

II.2.10. Information about variants

Variants will be accepted: no

II.2.11. Information about options

Options: no

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 value provided in section II.2.6) is an estimate of the expected actual value for the lot. The estimated range for lot 1 is EUR 2.000.000-3.300.000. The lower limit constitutes the contracting authority's most qualified estimate of the actual value for the lot. Whereas the upper limit constitutes the expected maximum value for the lot. Please refer to section VI.3)

II.2. Description

II.2.1. Title

CS-gas - Hand Grenade

Lot No: 2

II.2.2. Additional CPV code(s)

35330000 Ammunition, 35200000 Police equipment, 35220000 Anti-riot equipment

II.2.3. Place of performance

NUTS code: SE Sverige

NUTS code: NO Norge

NUTS code: IS Ísland

NUTS code: DK Danmark

II.2.4. Description of the procurement

Lot 2 CS-gas - Hand Grenade includes delivery of the following types of grenades:

CS hand grenade for crowd control

Smoke hand grenades for training

The CS gas hand grenades are being used in various police tactical situations including during street riots and similar and are typically a mean to restore order. The Products are furthermore to be used related to training. For further information, please refer to the tender material, Appendix 1: Requirements specification for CS-gas Hand Grenade.

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: 1 300 000,00 EUR

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

Duration in months: 48

This contract is subject to renewal: no

II.2.10. Information about variants

Variants will be accepted: no

II.2.11. Information about options

Options: no

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 value provided in section II.2.6) is an estimate of the expected actual value for the lot. The estimated range for lot 2 is EUR 1.300.000-2.200.000. The lower limit constitutes the contracting authority's most qualified estimate of the actual value for the lot. Whereas the upper limit constitutes the expected maximum value for the lot. Please refer to section VI.3)

II.2. Description

II.2.1. Title

CS gas – Spray canister
Lot No: 3

II.2.2. Additional CPV code(s)

35330000 Ammunition, 35200000 Police equipment, 35220000 Anti-riot equipment

II.2.3. Place of performance

NUTS code: SE Sverige
NUTS code: NO Norge
NUTS code: IS Ísland
NUTS code: DK Danmark

II.2.4. Description of the procurement

Lot 3 CS gas – Spray canister includes delivery of the following types of ammunition:

- CS spray canister for outdoor and indoor use
- Spray canister for training
- Quick connector with a hose and tube

The products are to be used to restore order - both indoors and outdoors as well as related training scenarios. CS spray canister is furthermore used for insertion of CS gas through a quick connector and hose with a tube into confined spaces, e.g. through keyholes, mail slots etc. For further information, please refer to the tender material, Appendix 1: Requirements specification for CS-gas Spray Canister.

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: 300 000,00 EUR

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

Duration in months: 48
This contract is subject to renewal: no

II.2.10. Information about variants

Variants will be accepted: no

II.2.11. Information about options

Options: no

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 value provided in section II.2.6) is an estimate of the expected actual value for the lot. The estimated range for lot 3 is EUR 300.000 - 500.000. The lower limit constitutes the contracting authority's most qualified estimate of the actual value for the lot. Whereas the upper limit constitutes the expected maximum value for the lot. Please refer to section VI.3)

Section III: Legal, economic, financial and technical information

III.1. Conditions for participation

III.1.3. Technical and professional ability

List and brief description of selection criteria:

A list of the most important similar deliveries (references), cf. section II.1.4) and section II.2.4), carried out within the past 3 (three) years prior to the deadline for submitting the offer. Only deliveries (references) performed at the time of the deadline for submitting the offer will be considered when assessing if the minimum requirement for suitability stated below is fulfilled. If the delivery in question is ongoing, i.e. an open contract or framework agreement, it is only the part of the supplies carried out within the past 3 (three) years and completed at the time of the deadline for submitting the offer which will be included in the assessment of the delivery (reference). Therefore, it is important that the 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 3 (three) years. The list should preferably include a short description of each delivery (reference). The description of the deliveries (references) should include a clear indication of which specific products the deliveries (reference) included together with a description of the tenderer's participation/role in the performance of the deliveries (reference). The description should also contain information on the date (minimum year) of the deliveries, the quantity/volume, value of the deliveries and the recipients of the deliveries. When specifying the date for the deliveries (reference), 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 (reference) should nonetheless contain information on how the date is set. The list must contain a maximum of 3 (three) previous deliveries (references), 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 3 (three) deliveries, the Danish National Police will only consider the 3 (three) most recent (by date of delivery) deliveries (references) on the list. Deliveries beyond that will be disregarded. If the tenderer submit tenders for more lots, the tenderer must submit an ESPD for each lot. The ESPD constitutes a preliminary documentation of the tenderer's fulfillment of the minimum requirements for technical and professional capacity, cf. this section III.1.3). Prior to the decision to award the contract, the tenderer to whom the contracting entity intends to award the contract must provide documentation of the information submitted in the ESPD. No further documentation for technical and professional capacity will be required. However the contracting authority reserves the right to contact the tenderer or the stated recipients of the deliveries to confirm the information.

Minimum level(s) of standards possibly required:

The tenderer must as a minimum demonstrate experience with 2 (two) deliveries (references) of similar products as included in the framework agreement to similar recipients as the contracting authority. By similar recipients means recipients within law and order enforcement such as police forces, the military, emergency management authorities and the like.

III.2. Conditions related to the contract

III.2.2. Contract performance conditions

If the framework agreement is awarded to a group of operators (e.g. a consortium), the participants are required to undertake joint and several liabilities and to appoint one supplier to represent the group.

The framework agreement has incorporated the corporate social responsibility considerations, as appropriate, as laid down in the conventions on the basis of which the principles of the UN Global Compact are worded and as laid down in the OECD Guidelines for Multinational Enterprises. The contract furthermore lays down requirements pursuant to ILO Convention no. 94 on labour clauses in public contracts and Circular no. 9471 of 30 June 2014.

Section IV: Procedure

IV.1. Description

IV.1.1. Type of procedure

Open procedure

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.1.8. Information about the Government Procurement Agreement (GPA)

The procurement is covered by the Government Procurement Agreement: yes

IV.2. Administrative information

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

Date: 13/03/2024 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

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)

IV.2.7. Conditions for opening of tenders

Date: 13/03/2024 Local time: 13:01

Section VI: Complementary information

VI.1. Information about recurrence

This is a recurrent procurement: yes

VI.2. Information about electronic workflows

Electronic invoicing will be accepted
Electronic payment will be used

VI.3. Additional information

- a) Participation in the tendering procedure may only take place by electronic means via the electronic tendering system used by the contracting entity, see section I.3). For access to the procurement documents, the tenderer must be registered or register as a user.
- b) The tenderer must submit an ESPD as preliminary documentation of the circumstances set out in section 148(1) paras (1)-(3) of the Danish Public Procurement Act (Udbudsloven). For groups of operators (e.g. a consortium), a separate ESPD must be submitted for each participating operator. If the tenderer relies on the capacity of other entities, an ESPD must be submitted for each of the entities on which the tenderer relies.
- c) For this tender, the voluntarily ground for exclusion stated in 137(1) para 2 of the Danish Public Procurement Act is applicable. The tenderer will be excluded from participation in the tender procedure if the tenderer is subject to the compulsory grounds for exclusion set out in sections 135-136 of the Danish Public Procurement Act and/or the voluntary ground set out in section 137(1) para 2 of the Danish Public Procurement Act, unless the tenderer has submitted sufficient documentation of its reliability in accordance with section 138 of the Danish Public Procurement Act.
- D) The contracting authority may use the procedure of section 159(5) of the Danish Public Procurement Act in the event that tenders do not comply with the formal requirements of the procurement documents.
- e) Before the decision to award the contract is made, the tenderer to whom the contracting authority intends to award the contract must provide documentation of the information submitted in the ESPD pursuant to sections 151-152, cf. section 153 of the Danish Public Procurement Act.
- f) If the tenderer relies on the capacity of other entities, cf. section III.1.3), the tenderer must upon request submit a letter of commitment or other documentation proving that the tenderer has the required resources at its disposal including that the entity/entities on which the tenderer relies has/have undertaken joint and several liability and has a legal obligation towards the tenderer.
- g) As regards section II.1.5 , it should be noted that the amount stated is an estimate of the actual value of all lots. The estimated total value of all lots are expected to lie within the range EUR 3.600.000 - 6.000.000. The lower limit of the interval constitutes the contracting authority's most qualified estimate of the actual value whereas the upper limit constitutes the expected maximum value of all lots in total.
The intervals above and in section II.2.14) between the estimated actual values and the maximum values are wide in case unforeseen events occur during the periode of the framework agreements. It is emphasised that the tenderers are not guaranteed any minimum business. The estimates are based on historical consumption.
- h) The contracting authority must cf. section 134a of the Danish Public Procurement Act exclude tenderers which are established in a country listed on the EU list of non-cooperative jurisdictions for tax purposes and tenderers that has not joined the GPA agreement or other trade agreements, which are binding towards Denmark.
- i) The contracting authority must exclude tenderers subject to EU sanctions against Russia, cf. Article 5k of Regulation (EU) No. 833/2014, as amended by Regulation (EU) 2022/576. The tenderer must submit a declaration stating that the tenderer is not subject to the stated sanctions. A template for the declaration is included in the tender conditions (Enclosure B).
- j) Any costs incurred by the tenderer by participating in the tender procedure will not be compensated by the contracting authority.

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 72405600
Internet address: <https://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), 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 candidates 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 candidates 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.4.4. 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: <http://www.kfst.dk>

VI.5. Date of dispatch of this notice

25/09/2023