Denmark-Ballerup: Gas-detection apparatus
OJ S 242/2020 11/12/2020
Contract notice
Supplies

Legal Basis:
Directive 2014/24/EU

Section I: Contracting authority

I.1. Name and addresses

Official name: Danish Defence Acquisition and Logistics Organization (DALO)
National registration number: 16-28-71-80
Postal address: Lautrupbjerg 1-5
Town: Ballerup
NUTS code: DK Danmark
Postal code: 2750
Country: Denmark
Contact person: Rikke Løber-Meincke
E-mail: fmi-sd-alj09@mil.dk
Telephone: +45 72814000
Internet address(es):
Main address: www.fmi.dk

I.3. Communication

The procurement documents are available for unrestricted and full direct access, free of charge, at: https://www.ethics.dk/ethics/eo#/b4fce0b2-a664-4a83-910a-068085072124/publicMaterial
Additional information can be obtained from the abovementioned address
Tenders or requests to participate must be submitted electronically via: https://www.ethics.dk/ethics/eo#/b4fce0b2-a664-4a83-910a-068085072124/homepage
Tenders or requests to participate must be submitted to the abovementioned address
Electronic communication requires the use of tools and devices that are not generally available. Unrestricted and full direct access to these tools and devices is possible, free of charge, at: https://www.ethics.dk/ethics/eo#/b4fce0b2-a664-4a83-910a-068085072124/homepage

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

II.1. Scope of the procurement

II.1.1. Title

Gas Detectors

II.1.2. Main CPV code
38431100 Gas-detection apparatus

II.1.3. Type of contract
Supplies

II.1.4. Short description
This tender concerns the acquisition of gas detectors for the Danish Ministry of Defence. The tender consists of three lots. DALO wishes to enter into framework agreements on the following instruments:
— 4 gas detectors (lot 1),
— 5 gas detectors (lot 2),
— multi gas detectors (lot 3).
The gas detectors will be used by the Danish Defence and the Danish Emergency Management Agency (DEMA) as a personal security instrument during a wide range of tasks and shall ensure that the users are warned when they are operating in an environment that is hazardous and harmful for their health.
The framework agreements cover both the acquisition of the instruments and delivery of spare parts, tools and services to keep the instruments operational. The tender is split into 3 lots and each of the framework agreements will have a duration of 4 years for the acquisition of the gasdetectors and a duration of 10 years for the acquisition of spare parts, consumables and services for the instruments.

II.1.5. Estimated total value
Value excluding VAT: 18 000 000,00 DKK

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
Framework Agreement Regarding 4 Gas Detectors
Lot No: Lot 1

II.2.2. Additional CPV code(s)
38431000 Detection apparatus, 38431100 Gas-detection apparatus, 38543000 Gas-detection equipment, 38000000 Laboratory, optical and precision equipments (excl. glasses)

II.2.3. Place of performance
NUTS code: DK Danmark

II.2.4. Description of the procurement
With this lot DALO wishes to enter into a framework agreement regarding the acquisition and service of 4 gas detectors for the Danish Ministry of Defence. The 4 gas detectors will be used to detect explosive gasses and vapors (LEL), areas with levels of Oxygen (O2), Carbon monoxide (CO) and Hydrogen sulfide (H2S) that are outside the determined thresholds in order to ensure that the users are warned when they are operating in an environment that is hazardous and harmful for their health.

The framework agreement covers both the acquisition of the instruments and delivery of spare parts, tools and services to keep the instruments operational. The framework agreement will have a duration of 4 years for the acquisition of the gas detectors and a duration of 10 years for the acquisition of spare parts, consumables and services for the instruments.
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.

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: 12 000 000,00 DKK

II.2.7. Duration of the contract, framework agreement or dynamic purchasing system
Duration in months: 120
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
Cf. section II.2.6) The estimated value of the agreement is DKK 9-12 million. The interval is stated due to uncertainty regarding the actual value of the agreement. The lower limit of the interval is DALO's most qualified estimate of the actual value of the agreement at the present moment, the upper limit of the interval constitutes the expected maximum value of the agreement in its duration.

II.2. Description

II.2.1. Title
Framework Agreement Regarding 5 Gas Detectors
Lot No: Lot 2

II.2.2. Additional CPV code(s)
38000000 Laboratory, optical and precision equipments (excl. glasses), 38431000 Detection apparatus, 38431100 Gas-detection apparatus, 38543000 Gas-detection equipment

II.2.3. Place of performance
NUTS code: DK Danmark

II.2.4. Description of the procurement
With this lot DALO wishes to enter into a framework agreement regarding the acquisition and service of 5 gas detectors for the Danish Ministry of Defence. The 5 gas detectors will be used to detect explosive gasses and vapors (LEL), areas with levels of Oxygen (O2), Carbon monoxide (CO), Hydrogen sulfide (H2S) or by the Photoionization sensor (PID) for volatile

organic compounds (VOC) that are outside the determined thresholds in order to ensure that the users are warned when they are operating in an environment that is hazardous and harmful for their health.
The framework agreement covers both the acquisition of the instruments and delivery of spare parts, tools and services to keep the instruments operational. The framework agreement will have a duration of 4 years for the acquisition of the gas detectors and a duration of 10 years for the acquisition of spare parts, consumables and services for the instruments.
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.

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: 3 000 000,00 DKK

II.2.7. Duration of the contract, framework agreement or dynamic purchasing system
Duration in months: 120
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
Cf. section II.2.6) The estimated value of the agreement is DKK 2,5-3 million. The interval is stated due to uncertainty regarding the actual value of the agreement. The lower limit of the interval is DALO's most qualified estimate of the actual value of the agreement at the present moment, the upper limit of the interval constitutes the expected maximum value of the agreement in its duration.

II.2. Description

II.2.1. Title
Framework Agreement Regarding Multi Gas Detectors
Lot No: Lot 3

II.2.2. Additional CPV code(s)
38000000 Laboratory, optical and precision equipments (excl. glasses), 38431000 Detection apparatus, 38543000 Gas-detection equipment

II.2.3. Place of performance
NUTS code: DK Danmark

II.2.4. Description of the procurement

With this lot DALO wishes to enter into a framework agreement regarding the acquisition and service of multi gas detectors for the Danish Ministry of Defence. The multi gas detectors will be used to detect multiple gases. The detector shall have 4 (four) open slots for sensors that can be changed according to the user's needs. The sensors shall be usable in HAZMAT incidents where Toxic Industrial Chemicals (TIC) will be present and fire and rescue incidents. The sensors shall be able to detect a range of different gasses including
— Combustible Gases and Vapors by catalytic method,
— Combustible Gases and Vapors by infrared method,
— PID: Photo ionization detector,
— IR CO2: Carbon Dioxide by infrared method,
— NH3: Ammonia,
— Cl2: Chloride,
— SO2: Sulfur dioxide
The instrument shall ensure that the users are warned when they are operating in an environment that is hazardous and harmful for their health.
The framework agreement covers both the acquisition of the instruments and delivery of spare parts, tools and services to keep the instruments operational. The framework agreement will have a duration of 4 years for the acquisition of the gas detectors and a duration of 10 years for the acquisition of spare parts, consumables and services for the instruments.
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.

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: 3 000 000,00 DKK

II.2.7. Duration of the contract, framework agreement or dynamic purchasing system
Duration in months: 120
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
Cf. section II.2.6) The estimated value of the agreement is DKK 2,5-3 million. The interval is stated due to uncertainty regarding the actual value of the agreement. The lower limit of the interval is DALO's most qualified estimate of the actual value of the agreement at the present moment, the upper limit of the interval constitutes the expected maximum value of the agreement in its duration.

Section III: Legal, economic, financial and technical information

III.1. Conditions for participation

III.1.2. Economic and financial standing
List and brief description of selection criteria:
No selection criteria in this tender.

III.1.3. Technical and professional ability
List and brief description of selection criteria:
No selection criteria in this tender.

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 to 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 for further information.

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

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: 10/02/2021 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, Danish

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: 10/02/2021 Local time: 13:01

Section VI: Complementary information

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 agreements are DKK 14-18 million. The reason for the interval stated is the uncertainty regarding the actual value of the framework agreements. Hence, the lower limit of the interval constitutes DALO's most qualified estimate of the actual value of the framework agreements at the present moment, while the upper limit of the interval constitutes the expected maximum value of the framework agreements in its duration.

Tenderers are advised that DALO in connection with this tender will hold a virtual clarification meeting with the purpose of explaining the background of the tender including the tender procedure and give an introduction to the tender documents. The clarification meeting will be held the 11 January 2021 at 10.00. For further information please see Instructions to tenderers.

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 tenderer apply the ESPD as preliminary evidence that the tenderer is not subject to the grounds of exclusion stipulated in §§ 135 and 136 of the said Act.

The tenderer and, if relevant, the participants in the group of entities, must use the electronic version of the ESPD available at ETHICS' web portal. The ESPD shall be fulfilled and submitted at ETHICS' web portal in accordance with the instructions given by ETHICS.

The tenderer may submit an ESPD for each lot.

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.

DALO shall exclude a tenderer from participation in the procurement procedure, if the tenderer is subject to one of the compulsory grounds for exclusion in §§ 135 and 136 of the said Act unless the tenderer has provided sufficient documentation that the tenderer is reliable in accordance to § 138 of the said Act. Please note that certain voluntary exclusion grounds in Directive 2014/24/EU on public procurement have been made compulsory in § 136 of the said Act.

If the same legal entity is a part of or in any other way participates in several offers, e.g. submits his own offer and at the same time participates in a consortium which also submits an offer, the tenderers shall ensure that the same legal entity's participation does not provide for opportunity for mutual coordination of their offers. DALO reserves the right to request the tenderers to establish and reassure DALO that the same legal entity's participation does not threaten the transparency and distort competition between the tenderers.

Regarding Contract Notice section II.1.6): Since the procurement is divided into lots the tenderer is asked to state in the ESPD Part II, section A which lot or lots the offer concerns. Please note, that a tenderer can only submit one offer for each lot.

DALO reserves the right – but is not obliged – to use the remedies provided for in Section 159 (5) of the Public Procurement Act if applications or offers do not fulfil the formalities of the tender documents.

VI.4. Procedures for review

VI.4.1. Review body

Official name: Klagenævnet for Udbud
Postal address: Toldboden 2
Town: Viborg
Postal code: 8800

Country: Denmark
E-mail: klfu@naevneneshus.dk
Telephone: +45 72405600
Internet address: https://naevneneshus.dk/start-din-klage/klagenaevnet-for-udbud/

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 public procurements and decisions subject to Chapter II or III of the Public Procurement Act, which does not concern a candidate not being invited to tender, 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 starting the day after the contracting authority has sent notification to the candidates/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
Telephone: +45 41715000
Internet address: www.kfst.dk

VI.5. Date of dispatch of this notice

08/12/2020