

Denmark-Ballerup: Ammunition
OJ S 248/2021 22/12/2021
Contract notice
Supplies

Directive 2009/81/EC

Section I: Contracting authority/entity

I.1. Name and addresses

Official name: Danish Defence Acquisition and Logistics Organization (DALO)

National registration number: 16287180

Postal address: Lautrupbjerg 1

Town: Ballerup

Postal code: 2750

Country: Denmark

For the attention of: PSK - Stine Maria Falk-Scheibel

E-mail: stsc@kammeradvokaten.dk

Telephone: +45 51594162

Internet address(es):

Electronic access to information: [http://eu.eu-supply.com/app/rfq/rwlentrance_s.asp?](http://eu.eu-supply.com/app/rfq/rwlentrance_s.asp?PID=317004&B=KA)

[PID=317004&B=KA](http://eu.eu-supply.com/app/rfq/rwlentrance_s.asp?PID=317004&B=KA)

Electronic submission of tenders and requests to participate: http://eu.eu-supply.com/app/rfq/rwlentrance_s.asp?PID=317004&B=KA

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

Procurement of small caliber ammunition

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

Supplies

Purchase

Main site or place of performance: Lemvig

NUTS code DK041 Vestjylland

II.1.3. Information about framework agreement

The procurement involves the establishment of a framework agreement

II.1.4. Information about framework agreement

Framework agreement with a single operator

Duration of the framework agreement

Duration in months: 84

Estimated total value of purchases for the entire duration of the framework agreement

Estimated value excluding VAT:

Range: between 347400000 and 1034000000 DKK

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

DALO procures small caliber ammunition for small arms in four different calibers; 5.56x45mm, 7.62x51mm, 9x19mm and 12.7x99mm.

II.1.6. CPV code(s)

35330000 Ammunition, 35300000 Weapons, ammunition and associated parts, 35331000 Ammunition for firearms and warfare, 35331100 Bullets, 35331500 Cartridges

II.1.7. Information about subcontracting

II.1.8. Lots

This contract is divided into lots: yes

Tenders may be submitted for all lots

II.1.9. Information about variants

Variants will be accepted: no

II.2. Scope of the procurement

II.2.1. Total quantity or scope

DALO procures small caliber ammunition for small arms in 3 lots consisting of: lot 1: 5.56x45mm and 7.62x51mm ammunition, lot 2: 9x19mm ammunition and lot 3: 12.7x99mm ammunition.

Estimated value excluding VAT:

Range: between 347400000 and 1034000000 DKK

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

Duration in months: 084 (from the award of the contract)

Information about lots

Lot No: 1

Lot title: 5.56x45mm and 7.62x51mm

1) Short description

5.56x45mm and 7.62x51mm for small arms used by the Danish armed forces.

E.g. ammunition variants:

5.56x45mm BALL

5.56x45mm TRACER
5.56x45mm BALL linked
5.56x45mm BALL+TRACER linked
5.56x45mm BLANK
5.56x45mm BLANK linked
7.62x51mm BALL linked
7.62x51mm BALL+TRACER linked
7.62x51mm BLANK, linked

2) CPV code(s)

35330000 Ammunition, 35300000 Weapons, ammunition and associated parts, 35331000 Ammunition for firearms and warfare, 35331100 Bullets, 35331500 Cartridges

3) Quantity or scope

Estimated value excluding VAT:

Range: between 303000000 and 910000000 DKK

4) Indication about different time frame or duration

5) Additional information about lots

Lot No: 2

Lot title: 9x19mm

1) Short description

9x19mm for small arms used by the Danish armed forces.

E.g. ammunition variants:

9x19mm BALL

2) CPV code(s)

35330000 Ammunition, 35300000 Weapons, ammunition and associated parts, 35331000 Ammunition for firearms and warfare, 35331100 Bullets, 35331500 Cartridges

3) Quantity or scope

Estimated value excluding VAT:

Range: between 17400000 and 45000000 DKK

4) Indication about different time frame or duration

5) Additional information about lots

Lot No: 3

Lot title: 12.7mm

1) Short description

12.7x99mm for small arms used by the Danish armed forces.

E.g. ammunition variants:

12.7x99mm BALL linked

12.7x99mm BALL + TRACER linked

12.7x99mm BLANK linked

12.7x99mm REDUCED RANGE BALL linked

12.7x99mm REDUCED RANGE BALL + TRACER linked

2) CPV code(s)

35330000 Ammunition, 35300000 Weapons, ammunition and associated parts, 35331000 Ammunition for firearms and warfare, 35331100 Bullets, 35331500 Cartridges

3) Quantity or scope

Estimated value excluding VAT:

Range: between 27000000 and 79000000 DKK

4) Indication about different time frame or duration

5) Additional information about lots

Section III: Legal, economic, financial and technical information

III.1. Conditions related to the contract

III.1.1. Deposits and guarantees required

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 framework agreement.

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 framework agreement 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 framework agreement 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:

<https://danishbusinessauthority.dk/sites/default/files/guidelines-for-industrial-coperation-in-denmark.pdf>

Prequalified tenderers will be informed about the specific terms of the Industrial Co-operation Contract.

The framework agreement must be conducted in consideration of corporate social responsibility and it contains a labour clause. There will be further details in the framework agreement.

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 request for participation/pre-qualification, the candidate must submit a declaration (template in the prequalification questionnaire) stating that the candidate is not subject for exclusion stated in art. 39(2)(d) of the Defence and Security Directive (2009/81/EC).

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 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: Annual reports or excerpts hereof or other documentation stating the candidate's annual turnover for the last 3 financial years, if publication of annual reports is required under the law of the country in which the candidate is established, and to the extent such information is available.

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 the last 3 financial years, to the extent such information is available.

Minimum level(s) of standards possibly required: LOT 1: The candidate must have had an overall turnover of at least 43.500.000 DKK in each of the preceding 3 financial years. (if the turnover is not stated in said currency, the contracting authority will calculate the turnover based on the official exchange rate on the date this notice was published), and

The candidate must have had a positive equity ratio (calculated by dividing the company's equity with the candidate's total assets (equity/total assets x 100)) at the end of the preceding 3 financial years).

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. See more in section VI.3, second last paragraph.

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 3 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 3 financial years available.

LOT 2: The candidate must have had an overall turnover of at least 2.500.000 DKK in each of the preceding 3 financial years. (if the turnover is not stated in said currency, the contracting authority will calculate the turnover based on the official exchange rate on the date this notice was published), and

The candidate must have had a positive equity ratio (calculated by dividing the company's equity with the candidate's total assets (equity/total assets x 100)) at the end of the preceding 3 financial years).

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. See more in section VI.3, second last paragraph.

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 3 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 3 financial years available.

LOT 3: The candidate must have had an overall turnover of at least 4.000.000 DKK in each of the preceding 3 financial years. (if the turnover is not stated in said currency, the contracting authority will calculate the turnover based on the official exchange rate on the date this notice was published), and

The candidate must have had a positive equity ratio (calculated by dividing the company's equity with the candidate's total assets (equity/total assets x 100)) at the end of the preceding 3 financial years).

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. See more in section VI.3, second last paragraph.

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 3 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 3 financial years available.

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

List and brief description of conditions:

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 in which the candidate has requested to participate, performed within the past 5 (five) years prior to the deadline 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 supplies performed within the past 5 (five) 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 performed within the past 5 (five) 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 size, value, quantity or volume) of an ongoing delivery (reference) that has been performed within the past 5 (five) 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 part of the deliveries that are regarded as similar to the supplies, described in section II.1.5, for each lot/lots the candidate requests participation in. The description should also include a description of the candidate's participation in the performance of the deliveries e.g. sub-contractor. 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 countries are necessary). 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.

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 relation between the candidate and the entity or entities on which the candidate relies. See more in section VI.3, second last paragraph.

Minimum level(s) of standards possibly required

LOT 1: The candidate must demonstrate, as a minimum, deliveries to NATO member countries of 12.875.000 EA (each) or more, regarding deliveries of 5.56x45mm and 7.62x51mm ammunition; within the past 5 years, prior to the deadline for the request to apply for prequalification.

LOT 2: The candidate must demonstrate, as a minimum, deliveries to NATO member countries of 1.650.000 EA (each) or more, regarding deliveries of 9x19mm ammunition; within the past 5 years, prior to the deadline for the request to apply for prequalification.

LOT 3: The candidate must demonstrate, as a minimum, deliveries to NATO member countries of 467.500 EA (each) or more, regarding deliveries of 12.7x99mm ammunition; within the past 5 years, prior to the deadline for the request to apply for prequalification.

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: In the event that more than 5 candidates apply for pre-qualification pr. lot, the selection will be made on who has made the most deliveries (measured as the amount of the specific ammunition in the lot delivered to other NATO-countries) within the last 5 (five) years.

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

Lowest price

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

4019338

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

28.1.2022 - 10:00

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

Danish. 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

The Framework 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.

The estimated value of the framework agreement is DKK 347,4 mio. and the maximum value of the framework agreement is DKK 1.034 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 the results of the upcoming budget negotiations for the Danish Defence. If more funds are allocated to financing ammunition for small arms than what is expected at the moment, this will most likely lead to a significant larger expenditure on the framework agreement.

Regarding section II.1.4: The stated number of operators pr framework agreement is the number pr lot, however if one tenderer is awarded two or all three lots, there will be only one or two operators in total. cf. the following.

Regarding II.1.8: DALO has stated some specific variants of the ammunition in this Contract Notice, however the final tender material can include more variants within the already stated calibers.

Regarding section IV.1.2: The stated number of operators, who will be invited to tender, is the number of operators per lot. The same candidate can be prequalified to more than one lot. If the tenderer is prequalified for more than one lot, it will be possible for the tenderer to offer a discount in the offers, if the tenderer will be awarded both or all three lots.

Regarding section IV.3.6): The request to participate shall be in the language stated in section IV.3.6), however, the candidate can provide the requested documentation/certificates in English or Danish.

Please note, that each candidate can only submit one request for participation pr lot. 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. PQQ: DALO have prepared a prequalification questionnaire for each lot 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 [Digitaleudbud.dk](https://digitaleudbud.dk). The permalink is stated in section I.1). 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 prequalification questionnaire referred to above.

Questions: The candidates can ask questions within the platform throughout the prequalification-period, however DALO will not answer any questions before after 3 January 2022 due to the Christmas holiday.

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 35291000
Internet address: <https://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 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 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: <https://www.kfst.dk/>

VI.5. Date of dispatch of this notice

17.12.2021