

Denmark-Brøndby: Gambling and betting services

OJ S 246/2022 21/12/2022

Contract notice**Services****Legal Basis:**

Directive 2014/24/EU

Section I: Contracting authority

I.1. Name and addresses

Official name: Danske Lotteri Spil A/S

National registration number: 33034482

Postal address: Korsdalsvej 135

Town: Brøndby

NUTS code: DK Danmark

Postal code: 2605

Country: Denmark

Contact person: Jakob Johansen

E-mail: jajo@danskespil.dk

Telephone: +45 30858517

Internet address(es):Main address: <http://www.danskespil.dk>Address of the buyer profile: <https://eu.eu-supply.com/ctm/Company/CompanyInformation/Index/62993>**I.1. Name and addresses**

Official name: Det Danske Klasselotteri A/S

National registration number: 15976578

Postal address: Korsdalsvej 135

Town: Brøndby

NUTS code: DK01 Hovedstaden

Postal code: 2605

Country: Denmark

Contact person: Jakob Johansen

E-mail: jajo@danskespil.dk**Internet address(es):**Main address: <http://www.danskespil.dk>Address of the buyer profile: <https://eu.eu-supply.com/ctm/Company/CompanyInformation/Index/62993>**I.2. Information about joint procurement**

The contract involves joint procurement

I.3. CommunicationThe 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=346448&B=DS

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=346448&B=DS

Tenders or requests to participate must be submitted to the abovementioned address

I.4. Type of the contracting authority

Body governed by public law

I.5. Main activity

Other activity: Gambling, lottery and betting

Section II: Object

II.1. Scope of the procurement

II.1.1. Title

LOTTERY GAMES SOLUTION INCLUDING RELATED SERVICES AND HARDWARE
Reference number: Lottery Games Solution

II.1.2. Main CPV code

92350000 Gambling and betting services

II.1.3. Type of contract

Services

II.1.4. Short description

The tender is for an agreement concerning the delivery of terminals for retail and a lottery games solution as a service, including handling of number games, Klasselotteriet, physical scratch tickets and integration to gaming verticals, distribution of games in retail, integration to digital frontend and backend systems.

The deliveries shall directly and indirectly service current and future lottery and betting business both in retail and online, including new business activities that offspring from new games, game variants, channels and brands.

II.1.5. Estimated total value

Value excluding VAT: 500 000 000,00 DKK

II.1.6. Information about lots

This contract is divided into lots: no

II.2. Description

II.2.2. Additional CPV code(s)

30198000 Lottery machines, 37524810 Lottery formulary, 72000000 IT services: consulting, software development, Internet and support

II.2.3. Place of performance

NUTS code: DK01 Hovedstaden

II.2.4. Description of the procurement

The main deliveries of the Agreement are:

- A. Services to support Number Games
- B. Services to support Klasselotteriet
- C. Services to support warehouse management and sales of physical scratch tickets
- D. Integration to Sports Betting and Tote gaming verticals
- E. Distribution of games to retail terminals, In-lane and digital frontend
- F. Terminals and spare parts

G. Integration to backend systems

The deliveries must be in compliance with EU Regulation 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data.

About the Contracting authority:

Danske Lotteri Spil A/S provides games within Number Games, Scratch Tickets and other e-Instant games. Det Danske Klasselotteri A/S provides the oldest lottery in Denmark with monthly drawings since 1753. Both companies are owned by Danske Spil A/S and are part of the Danske Spil group. 80% of the shares in Danske Spil A/S are held by the Danish government. The remaining 20% are held by two individual sports organisations (Danmarks Idrætsforbund and Danske Gymnastik- & Idrætsforeninger) who each own 10% of the shares.

II.2.5. Award criteria

Criteria below

Quality criterion - Name: Quality / Weighting: 70%

Price - Weighting: 30%

II.2.6. Estimated value

Value excluding VAT: 500 000 000,00 DKK

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

Duration in months: 72

This contract is subject to renewal: yes

Description of renewals:

The Agreement contains 4 separate extension options which the Contracting authority may use to renew the Agreement at his discretion. Each option gives the Contracting authority a right to renew the Agreement for one (1) year. The total extension due to the options to renew the Agreement is 4 years.

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

Envisaged number of candidates: 3
Objective criteria for choosing the limited number of candidates:

The shortlisting of candidates invited to tender will be based on an evaluation of which candidates have documented the most relevant references, see section III.1.3), of the services covered by the Agreement, see the description in sections II.2.4).

In the evaluation of the relevance of the references, based on an overall assessment, it is weighted positively:

1. If the references contain delivery of lottery services in the form of drawings based on a random number generator where the recipient (the customer) was covered by the EU's GDPR regulation (EU 2016/679).
2. If the references contain delivery of both lottery services in the form of drawings based on a random number generator and delivery of lottery terminals used in retail.
3. If the references contain delivery of lottery services to support both warehouse management and sales of physical scratch tickets.
4. The total amount (revenue) of the deliveries of the references.

Criteria one (1) is given the greatest importance in the overall assessment of the most relevant references.

Three (3) candidates will be pre-qualified to submit initial tenders, if the Contracting authority receives a request for pre-qualification from three (3) suitable candidates. If the Contracting authority receives a request for pre-qualification from more than three (3) suitable candidates, the pre-qualification of the most suitable candidates will be based on which candidates document the most relevant references cf. section III.1.3), based on the information in the

references provided by the candidate in Part IV, C of the ESPD, "Technical and professional capacity".

Each candidate may only submit up to four (4) references, regardless of whether the candidate e.g. chooses to rely on the capacity of others, or whether the candidate is an association e.g. a consortium. If more than 4 references are submitted by the candidate, only the four (4) first listed references will be included. The rest will be disregarded. Please see the description of the selection criteria in section III.1.3).

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

An information meeting will be held on Wednesday 4 January 2023 at 14:00 p.m. to 15:00 p.m. The information meeting will primarily be about how to complete the ESPD and will be held online via Microsoft Teams. The meeting can be accessed via the link in the invitation letter in the electronic tender system (EU-Supply). EU-Supply can be accessed via the link in section 1.3) of the contract notice.

Section III: Legal, economic, financial and technical information

III.1. Conditions for participation

III.1.2. Economic and financial standing

Minimum level(s) of standards possibly required:

As a minimum requirement, a positive (above DKK 0) equity is required in the most recent annual report/financial statement available. If the candidate relies on the capacities of other entities, the equity is to be calculated as the total equity of the candidate and such other entities in the most recent annual report/financial statement available. For groups of operators (e.g. a consortium), the equity is calculated as the total equity of the operators in the most recent annual report/financial statement available. The information is to be stated in section IV. B of the ESPD.

Furthermore, as a minimum requirement, a total annual turnover of at least DKK 200 million is required in the most recent annual report/financial statement available. If the candidate relies on the capacities of other entities, the turnover is to be calculated as the total turnover of the candidate and such other entities in the most recent annual report/financial statement available. For groups of operators (e.g. a consortium), the turnover is calculated as the total turnover of the operators in the most recent annual report/ financial statement available. The information is to be stated in section IV.B of the ESPD.

III.1.3. Technical and professional ability

List and brief description of selection criteria:

The candidate should submit a list of the four (4) most significant comparable references, see sections II.1.4) and II.2.4).

Deliveries to the Contracting authority may be used as a reference.

Only deliveries carried out by the candidate within the period from the start date to the end date, carried out before the deadline to submit application and which have been carried out within three (3) years before the deadline to submit the application may be included in the references. Hence, in the case of an ongoing task, only the part of the deliveries already performed at the time of application may be included in the reference. Each reference is requested to include a brief description of the deliveries made.

The description should include a description of the services set out in sections II.1.4) and II.2.4) to which the delivery related and the candidate's role(s) in the performance of the delivery. Each reference is also requested to include the following information:

*Who the recipient (customer) was

* The period to which the delivery relates to (Start date and End date)

* Whether the reference fulfills minimum requirement 1, 2, 3, 4, 5 and/or 6 set out below,

* Whether the reference contains the deliveries listed in number 1-3 in section II.2.9) and

* The amount (revenue) of the deliveries

When submitting the application, the candidate agrees that the Contracting authority can contact each recipient in order to have the accuracy of the submitted information confirmed.

Minimum level(s) of standards possibly required:

As a minimum requirement, the candidate is required to document at least:

1) A reference regarding delivery of lottery services in the form of drawings based on a random number generator where the recipient (the customer) was covered by the EU's GDPR regulation (EU 2016/679).

2) A reference regarding delivery of both lottery services in the form of drawings based on a random number generator and delivery of lottery terminals used in retail.

3) A reference regarding delivery of lottery services to support both warehouse management and sales of physical scratch tickets.

4) A reference regarding delivery of lottery services in the form of drawings based on a random number generator where the recipient (the customer) was a member of the World Lottery Association (WLA).

5) A reference regarding delivery of support of the recipient's (the customer's) participation in a transnational lottery cooperation such as Euro Jackpot.

6) A reference regarding delivery of a lottery solution that supports subscription purchases.

The minimum requirements can either be met (contained) in one reference that meets all six (6) requirements or up to four (4) references that together meet the requirements.

Deliveries to the Contracting authority may be used as a reference.

The ESPD serves as provisional documentation that the candidate fulfils the minimum suitability requirements in respect of technical and professional ability, see section III.1.3) and the candidate's compliance with the selection criterion, see section II.2.9).

Before the award decision is made, the tenderer to whom the Contracting authority intends to award the Agreement must submit documentation that the information stated in the ESPD is accurate.

No additional documentation of technical and professional capacity will be required from the candidate. However, the Contracting authority reserves the right to contact the candidate, or the customer stated in the reference for confirmation of the information stated in the reference.

III.2. Conditions related to the contract

III.2.2. Contract performance conditions

The deliveries must be performed in accordance with Appendix 12 (Code of Conduct), including UN Guidelines on Human Rights and Business.

The tender is covered by Article 5k of Regulation (EU) No. 833/2014 as amended by Regulation (EU) 2022/576. The provision contains a ban on awarding contracts to Russian companies and Russian-controlled entities, etc. cf. article 5k, subsection 1. The Contracting authority reserves the right to demand documentation at any time during the tender that the economic operators are not covered by the ban, e.g. by requiring documentation of the place of establishment and ownership of the actors and any of their sub-suppliers.

Section IV: Procedure

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

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

Date: 17/01/2023 Local time: 10:00

IV.2.3. Estimated date of dispatch of invitations to tender or to participate to selected candidates

Date: 31/01/2023

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)

Section VI: Complementary information

VI.1. Information about recurrence

This is a recurrent procurement: no

VI.2. Information about electronic workflows

Electronic invoicing will be accepted

Electronic payment will be used

VI.3. Additional information

Participation in the tendering procedure may only take place by electronic means via the electronic tendering system used by the contracting entity.

The candidate must as its application submit an ESPD as preliminary documentation of the circumstances set out in section 148(1), paras 1-3 of the Danish Public Procurement Act (udbudsløven).

Applicants may only submit one application for pre-qualification.

Applicants and tenderers will be excluded from participation in the tender procedure if they tenderer are covered by the mandatory grounds for exclusion mentioned in section 134a, 135 and 136 or the voluntary ground for exclusion mentioned in section 137, paragraph 1, number 2 of the Danish Public Procurement Act (Udbudsloven), unless they submit sufficient documentation that they are reliable in accordance with section 138 (self cleaning). Before the award decision 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. Each subcontractor on whom the applicant relies on, must submit a signed ESPD as part of the application. Furthermore, subcontractors on whom the tenderer has relied on, must sign a declaration of commitment that bind the subcontractors to be jointly and severally liable for the fulfillment of the contract, as part of the documentation requested after the pre-qualification. Each economic operator in an association of economic operators, must submit a signed ESPD as part of the application, except for the candidate heading the group and submitting the application who is not required to sign its ESPD document. Furthermore, the economic operators in an association of economic operators, must sign a declaration concerning formation of consortium that binds each economic operator to be jointly and severally liable for the fulfillment of the contract, as part of the documentation requested after the pre-qualification. Regarding section IV.2.4 of the contract notice: questions and tenders are submitted in English. The Contracting authority reserves the right to disregard those parts of the questions and tenders which have not been submitted in English. The deadline for submission of questions is 9 calendar days before the deadline for submission of the application. Questions received later cannot be expected to be answered. In addition to this, questions can only be expected to be answered if it is possible to answer them no later than 6 calendar days before the deadline for submission of application.

When submitting the application, the applicant agrees that the Contracting authority can contact each recipient in order to have the accuracy of the submitted information confirmed. Further information:

In this contract notice the terms "contract" and "Agreement" are used interchangeably and refer to the Contract, Appendices and Annexes combined.

As regards sections II.1.5) and II.2.6), it should be noted that the amount is an estimate of the total remuneration for the deliveries during the entire term of the Agreement, including the price of all options. The estimate of the remuneration is based on the total value of transition delivery payment, service delivery fee, acquired terminals, extended warranties, spare parts and ad-hoc consultancy.

The Contracting authority may use the procedure of section 159(5) of the Danish Public Procurement Act in the event that applications or tenders do not comply with the formal requirements of the procurement documents.

The Agreement is not divided into subcontract, as significant economies of scale are expected by consolidating the activities.

Please see the tender specifications for further information about the tender procedure.

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://klfu.naevneneshus.dk/>

VI.4.3. Review procedure

Precise information on deadline(s) for review procedures:

Pursuant to the Danish Act on the Complaints Board for Public Procurement, etc. (lov om Klagenævnet for Udbud m.v.) (the Act is available (in Danish) at www.retsinformation.dk), the following deadlines apply to the lodging of complaints:

Complaints for not having been selected must be submitted to the Danish Complaints Board for Public Procurement before the expiry of 20 calendar days, see section 7(1) of the Act, from the day after submission of notification to the candidates concerned of the identity of the successful tenderer where the notification is accompanied by an explanation of the grounds for the decision in accordance with section 2(1), para (1) of the Act and section 171(2) of the Danish Public Procurement Act.

In other situations, complaints of award procedures, see section 7(2) of the Act, must be lodged with the Danish Complaints Board for Public Procurement before the expiry of:

1) 45 calendar days after the contracting authority has published a notice in the Official Journal of the European Union that the contracting authority has entered into a contract. The deadline is calculated from the day after the day when the notice was published.

2) 30 calendar days calculated from the day after the day when the contracting authority has notified the candidates concerned that a contract based on a framework agreement with reopening of competition or a dynamic purchasing system has been entered into where the notification has included an explanation of the relevant grounds for the decision.

3) 6 months after the contracting authority entered into a framework agreement calculated from the day after the day when the contracting entity notified the candidates and tenderers concerned, see section 2(2) of the Act and section 171(4) of the Danish Public Procurement Act.

4) 20 calendar days calculated from the day after the contracting authority has submitted notification of its decision, see section 185(2) of the Danish Public Procurement Act.

Not later than at the time of lodging a complaint with the Danish Complaints Board for Public Procurement, the complainant must notify the contracting authority in writing that a complaint has been lodged with the Danish Complaints Board for Public Procurement and whether the appeal was lodged during the standstill period, see section 6(4) of the Act. In cases where the complaint was not lodged within the standstill period, the complainant must furthermore indicate whether a suspensory effect of the complaint has been requested, see section 12(1) of the Act.

The e-mail address of the Complaints Board for Public Procurement is set out in section VI.4.1.

The Complaints Board's own complaints procedure is available at <https://naevneneshus.dk/start-din-klage/klagenaevnet-for-udbud/vejledning/>

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

VI.5. Date of dispatch of this notice

16/12/2022