



## **Instructions to tenderers**

Terms and conditions for the invitation by the Danish Emergency Management Agency to submit tenders for a contract concerning the purchase of a mass spectrometer system

6 July 2018



## Table of contents

<b>1</b>	<b><i>General terms and conditions for the procurement</i></b> .....	<b>2</b>
1.1	Introduction.....	2
1.2	Tender dossier .....	2
1.3	Rules for the procurement process.....	2
1.4	Language .....	2
1.5	Conformity and reservations .....	3
1.6	Receiving of tenders .....	3
1.7	No possibility for negotiation .....	3
1.8	Ownership rights to tenders.....	3
1.9	Tenderer .....	3
1.10	Alternative tenders .....	3
1.11	Questions concerning the tender dossier .....	4
1.12	Inspection of instrument location at DEMA.....	4
1.13	Processing and evaluation of tenders .....	4
1.14	Entry into contract .....	4
1.15	Time schedule for the procurement .....	4
1.16	Validity of tenders.....	5
1.17	Tendering deadline and address .....	5
<b>2</b>	<b><i>Requirements for content of tenders</i></b> .....	<b>6</b>
2.1	Fulfilment of requirements specification .....	6
2.2	The European Single Procurement Document (ESPD) .....	6
2.3	Confirmation of delivery and delivery time.....	7
2.4	Prices .....	7
2.5	Options .....	7
<b>3</b>	<b><i>Evaluation of the mass spectrometer system tenders</i></b> .....	<b>7</b>
3.1	Award criteria .....	7
3.2	Evaluation method.....	8

# 1 General terms and conditions for the procurement

## 1.1 Introduction

The Contracting Authority, the Danish Emergency Management Agency – hereinafter DEMA, hereby invites submissions of tenders for a contract concerning the purchase of qty. 1 mass spectrometer system to be used for screening of a broad range of unknowns (small molecules) but also to detect HME (home made explosives) and hydrocarbons.

The mass spectrometer system consists of 2 instruments (named A or A1 and B and specified in the tender document "Requirements specification") – these 2 instruments are to be delivered to the Chemical Division in Copenhagen. DEMA will prioritize a system as first choice, which is a combination of instrument A1 and B as long as it is within DEMA's economical frame. If such a combination is not within DEMA's economical frame a combination of instrument A and B will be chosen.

Furthermore DEMA as an option requests offers for an instrument C (also specified in the tender document "Requirements specification"). The option for buying instrument C may be used within a year after contract signing and the place of delivery for this optional instrument will be in the Greater Copenhagen Area.

It is desired that the system delivery be concluded as soon as possible.

The consulting firm FRIT ApS will manage, as a consultant to DEMA, the procurement of the contract, and tenders shall be submitted for the contract in accordance with the terms and conditions specified in the tender dossier.

## 1.2 Tender dossier

The complete tender dossier consists of:

- The public procurement announcement, published in the Official Journal of the European Union (TED)
- The present "Instructions to tenderers" including terms and conditions for the procurement
- Requirements specification
- Draft of Contract
- The European Single Procurement Document (ESPD) access file

The tender dossier may be downloaded from the Web site:

<http://www.frit.nu/dk/udbud/>

## 1.3 Rules for the procurement process

The contract is being procured by an open procedure according to the rules of The Public Procurement Act (Act No. 1564/2015 of 15 December 2015), which means that any interested tenderer may submit a tender.

The procurement has been published in the TED database, a Supplement to the Official Journal of the European Union <http://ted.europa.eu>

## 1.4 Language

Tenders, including appendices, must be in English.

## 1.5 Conformity and reservations

Tenders that contain reservations or do not in general fulfil the specifications and requirements posed in the tender dossier, risk being rejected as non-conforming.

Conditions in the tender dossier that are not mentioned in a tender will be regarded as having been accepted by the tenderer.

## 1.6 Receiving of tenders

The opening of the tenders will not be conducted in public. Tenders received on-time will be opened upon expiry of the tendering deadline.

## 1.7 No possibility for negotiation

The tenders received will not be able to be negotiated subsequently. Tenders will solely be evaluated based upon what is specified in the tender and in relation to the tender dossier.

If DEMA has a need for further clarification of the tenders submitted, or desired supplemental information in relation to such, the tenderer will be contacted for purposes of providing the supplemental information. DEMA will ensure in connection with such that the principles of transparency and equal treatment will be complied with.

Changes may not subsequently be made to a tender that in any manner alter the economic terms and conditions originally offered.

The Draft of Contract is not negotiable and tenderers must therefore take care that their tender is formulated such that the contract would be able to be entered into without preceding discussions between the tenderer and DEMA.

It hence is highly appropriate that the tender be complete and address all relevant conditions, contain all requisite information and is precise in every respect.

It is the tenderer's sole responsibility that the tender be submitted in careful compliance with the requirements and specifications specified in the tender dossier.

## 1.8 Ownership rights to tenders

The tenders submitted including appendices and other documentation will be regarded as being the property of DEMA and will not be returned. Expenses incurred by tenderers in preparing tenders and any possible contract are of no relevance to DEMA.

## 1.9 Tenderer

The company that submits the tender will be the legally responsible entity, regardless of whether subcontractors are used for the task, and which will hereinafter be referred to as the "tenderer" and be the contracting party with DEMA.

## 1.10 Alternative tenders

No alternative tenders may be given.

### 1.11 Questions concerning the tender dossier

If there might be circumstances in the tender dossier for which further elaboration is desired before submitting a tender, the questions should be sent to FRIT ApS to the e-mail address of [finn.physant@frit.nu](mailto:finn.physant@frit.nu)

Questions and answers will be posted on an on-going basis in anonymised form at the Web site <http://www.frit.nu/dk/udbud/>. Questions received later than 4 days before expiry of the deadline for submitting tenders cannot be expected to be answered.

### 1.12 Inspection of instrument location at DEMA

Tenderers are invited to inspect the instrument location at:

DEMA  
Chemical Division  
Nørre Allé 67, 7th floor  
DK-2100 København Ø  
Denmark

**Note that the laboratory with the instrument location is situated at the 7<sup>th</sup> floor and mainly accessible through an elevator!**

Inspections will take place on 12 July and 1 August 2018 at 13:00 local time. Participation in an inspection will be arranged by sending an e-mail to [finn.physant@frit.nu](mailto:finn.physant@frit.nu) in due time before the inspection.

### 1.13 Processing and evaluation of tenders

Processing of tenders will occur in 2 phases. Phase 1 is an assessment of a tender's conformity (compliance with the formalities, including requirements for the content of the tender and full compliance with the requirements specification) based upon the company information provided, cf. chapter 2.

Tenderers whose tenders are in conformity, and are deemed to be suitable based upon the information submitted, will subsequently be included in phase 2.

During phase 2, tenders will be evaluated solely on the basis of the award criteria specified in chapter 3, which is the most economically advantageous offer.

### 1.14 Entry into contract

A contract will be entered into with only one tenderer.

Immediately after DEMA's decision on its choice of a supplier, all tenderers will receive written notification by e-mail of the results of the evaluation of the tenders. The contract with the selected supplier will be entered into upon expiry of a standstill period of a minimum of 10 calendar days computed from the date after the above-mentioned notification.

### 1.15 Time schedule for the procurement

The procurement is expected to be conducted in accordance with the time schedule below:

6 July 2018	Public procurement announcement sent to the Official Journal of the European Union for publication
9 July 2018	Tender dossier posted at the Web page: <a href="http://www.frit.nu/dk/udbud/">http://www.frit.nu/dk/udbud/</a> and is able to be downloaded inclusive the ESPD access file.
12 July and 1 August 2018	Tenderers may inspect the instrument location at 13:00 local time
20 August 2018	Deadline for submitting questions on the tender dossier expires
23 August 2018	Deadline for submitting tenders expires at 12:00 noon local time
4 September 2018	Selection of the supplier expected to be determined, notification given to the tenderers
5 September 2018	Standstill period is initiated
6 September 2018	Documentation provided (according to the ESPD) and handed in by the selected supplier
17 September 2018	Standstill period ultimately expires and entry into the contract may be commenced
25 September 2018	Contract is entered into
Autumn 2018	Delivery of mass spectrometer system

### 1.16 Validity of tenders

Tenders must be binding for tenderers at a minimum until 31 October 2018.

### 1.17 Tendering deadline and address

Tenders must have been received by FRIT ApS at the latest on 23 August at 12:00 noon local time.

Tenders that are received after expiry of the deadline will not come under consideration.

Tenders must be submitted in 3 printed paper copies and in non-editable PDF-format on 3 USB memory sticks in a sealed envelope/package labelled "Tender DEMA – GC-MS" to

FRIT ApS  
Frederiksborgvej 399  
Building 129  
P.O. Box 49  
DK-4000 Roskilde  
Denmark  
Att.: Finn Physant

## 2 Requirements for content of tenders

Tenders must contain / have attached the elements below as described in the sections below:

### 2.1 Fulfilment of requirements specification

Tenders must contain a signed declaration stating that the mass spectrometer system offered completely fulfils the requirements specification with a specification of product names and types.

Tenders that do not completely fulfil the requirements specification will be considered to be non-conforming.

### 2.2 The European Single Procurement Document (ESPD)

The tenderer must submit the ESPD as part of her/his offer. The tenderer must use the electronic version of the ESPD. DEMA has prepared an ESPD (to be accessed by use of an XML file). This document does not have to be signed. When requested by DEMA, the tenderer must submit documentation for the information provided in the ESPD.

The tenderer must upload the XML file to this website:

<https://ec.europa.eu/growth/tools-databases/espd/welcome> where the ESPD can be completed and later imported.

How to fill in the electronic ESPD:

The tenderer must download the ESPD file from <http://www.frit.nu/dk/udbud/> by (right-clicking and) saving it. As the ESPD is an XML-file it only works with the electronic ESPD and can only be opened via this website:

<https://ec.europa.eu/growth/tools-databases/espd/welcome>

(if the ESPD file is opened by double clicking, it does not work. Instead a default browser with a html-code opens). On the ESPD welcome site the tenderer must choose "English" to fill in the electronic ESPD in English. Then the tenderer must choose "I am an economic operator" and then "Import ESPD". Hereinafter the tenderer must upload the ESPD file already downloaded from <http://www.frit.nu/dk/udbud/> . Once this is done the tenderer will be ready to fill in the sections in the electronic ESPD that the Contracting Authority has chosen as relevant to the present tender.

The ESPD is divided into the following parts:

- Part I: Information concerning the procurement procedure and the contracting authority
- Part II: Information concerning the economic operator – must be filled in
- Part III: Exclusion grounds – must be filled in
- Part IV: Selection criteria – must be filled in
- Part V: Reduction of the number of qualified candidates – not relevant to this tender
- Part VI: Concluding statements – must be filled in

When the electronic ESPD has been filled in, it can be downloaded as a PDF-file.

A lacking or incorrect ESPD may cause that the tender will be deemed non-conforming and rejected. The submitted ESPD doesn't have to be signed.

## 2.3 Confirmation of delivery and delivery time

Tenders must contain a specification of when the tenderer will be able to deliver the mass spectrometer system offered (the latest delivery date is to be specified) under the assumption that a contract has been entered into before 26 September 2018.

Tenders that cannot fulfil the above-mentioned requirement will be deemed to be non-conforming.

## 2.4 Prices

The price(s) must be given in DKK excluding VAT. – Prices must be given for a complete system (or several different complete systems). Tenderers with several mass spectrometer systems meeting the requirements are invited to submit several tenders. Prices for the options noted in "Requirements Specification" must be specified individually. Especially the price for the optional instrument C must be valid for one year after contract signing.

## 2.5 Options

Reference is made to the document "Requirements specification". Especially the option to buy instrument C must be valid for one year after contract signing.

# 3 Evaluation of the mass spectrometer system tenders

## 3.1 Award criteria

The contract will be awarded the most economically advantageous offer on the basis of the award criterion the best price-quality ratio. In the evaluation of the offers, DEMA will use the following evaluation-criteria with the specified weighting:

1. Quality - referring to the parts "Technical specifications" and "Software specifications" in the document "Requirements specification" 40 %
2. Price 30 %
3. Quality - Service conditions – referring to "Service specifications" in the document "Requirements specification" 20 %
4. Time of delivery 10 %

All sub-criteria will be graded on the following general scale:

Grade 5: State of the art quality with great added value to DEMA / Very attractive price.

Grade 4: Good quality with added value to DEMA / Attractive price

Grade 3: Quality as expected from DEMA / Price neither particularly attractive nor problematic.

Grade 2: Quality not quite up to DEMA's expectation / Somewhat problematic price.

Grade 1: Minimal accepted quality / Problematic price.



## 3.2 Evaluation method

In order to determine which offer has the best price-quality ratio, DEMA will use a scoring model with fixed financial frame, to compile the sub-criteria "Price". For the sub-criteria "Quality" referring to evaluation-criteria 1 and 3, grades are given on a linear scale. The evaluation method is described in detail below.

When each offer has been evaluated for each criterion below, a final, overall evaluation for each offer will be made based on the evaluation for each criterion and the weighting of the criteria.

Each offer will be assigned an overall grade, calculated as the weighted average of the grades assigned for each criterion.

The contract will be awarded to the tenderer which achieves the highest overall grade.

Each criterion stated in clause 3.1 will be evaluated as follows:

Ref. 1 Quality 40 % - referring to the parts "Technical specifications" and "Software specifications" in the document "Requirements specification"

Each tender will be graded for this Quality criterion as follows:

The Quality criterion is evaluated based on each tender's compliance with the scored requirements as laid out in the document "Requirements specification".

The tender is awarded from 1 to 5 points for each of the scored requirements, depending on the degree to which the tender fulfils the scored requirement: 1 for not fulfilled, 5 for fulfilled to the highest degree.

The points awarded for each of the scored requirements are then multiplied with a weight factor reflecting the importance of the scored requirement as stated in the "Points and weights" column in the "Requirements specification".

The weight categories are described in more detail in the "Requirements specification" under the sub-headline "Weight".

The "Technical specifications" and "Software specifications" in the "Requirements specification" consists of 12 scored requirements. The maximum total score which can be achieved is 235 points.

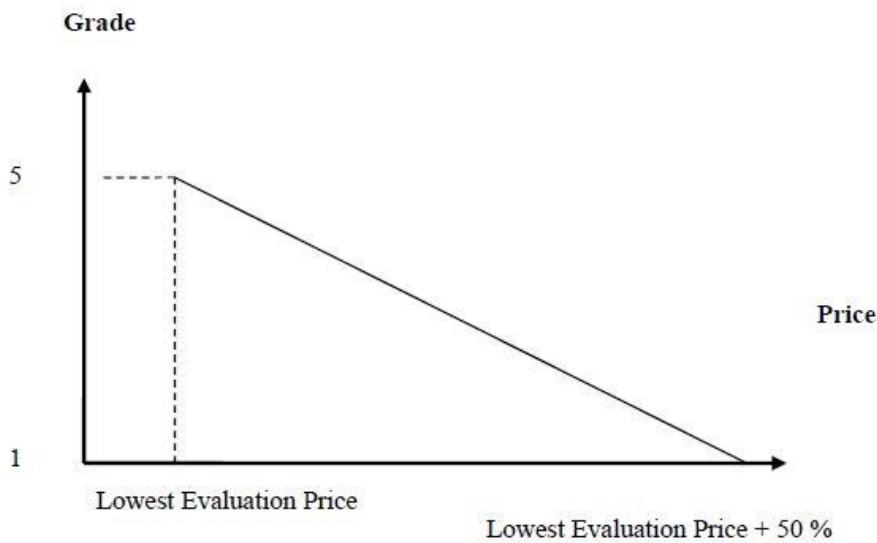
Each tender will be graded for the Quality criterion, based on the achieved score. Grades are given on a linear scale, where tenders which fulfil all scored requirements to the highest degree are given the grade 5 and tenders which fulfil none of the scored requirements are given the grade 1.

Ref. 2. Price 30 %

Each tender will be graded for the price criterion, based on the quoted price(s) stated in the tender(s).

Tenders are graded on a linear scale of 1-5. The tender with the lowest price will be given the highest grade, 5. All other tenders are graded on a linear scale, where tenders with an Evaluation Price of 50 % or more above the lowest offer are given the grade 1 (as shown in

the table below).



Ref. 3. Service conditions 20 % – referring to “Service specifications” in the document “Requirements specification”

Each tender will be graded for the Service conditions criterion as follows:

The Service conditions criterion is evaluated based on each tender's compliance with the scored requirements as laid out in “Service specifications” in the document “Requirements specification”.

The tender is awarded between 1 and 5 points for each of the scored requirements, depending on the degree to which the tender fulfils the requirement: 1 for not fulfilled, 5 for fulfilled to the highest degree.

The points awarded for each of the scored requirements are then multiplied with a weight factor reflecting the importance of the scored requirement as stated in the “Points and weights” column in the “Requirements specification”.

The weight categories are described in more detail in the “Requirements specification” under the sub-headline “Weight”.

The “Service specifications” under the “Requirements specification” consists of 3 scored requirements. The maximum total score which can be achieved is 65 points.

Each tender will be graded for the Service conditions criterion, based on the achieved score. Grades are given on a linear scale, where tenders which fulfil all scored requirements to the highest degree are given the grade 5 and tenders which fulfil none of the scored requirements are given the grade 1.

Ref. 4 Time of delivery 10%

Each tender will be graded for the Time of delivery criterion as follows:

Delivery no later than 31 October 2018: 5

Delivery from 1 to 30 November 2018: 4

Delivery from 1 to 20 December 2018: 3

Delivery from 21 December 2018 to 1 January 2019 is not possible.  
Delivery later than 1 January 2019: 1