

# **Tender specification**

## **Case no.: A1900791**

Open tender without negotiations  
acc. to Part I og III of the regulations for  
procurements over the EEA threshold values  
for delivery of

**tests related to the safety of use of hydrogen  
as an energy carrier in the marine sector**

to the Norwegian Defence Research Establishment (FFI)

Created date: 12.04.2019

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# 1 GENERAL DESCRIPTION

## 1.1 Client

The Norwegian Defence Research Establishment (FFI) is a civil research institution directly under the Ministry of Defence. The undertaking has more than 700 employees, of whom approximately 500 are researchers and engineers who develop technology and knowledge to enable Norway to have a modern and efficient defence. The Establishment is interdisciplinary and covers subjects like mathematics, physics, information technology, chemistry, biology, medicine, psychology, political science and economy. The Establishment is situated in Kjeller near Lillestrøm, and has a small work department in Horten. For more information, see our web site on [www.ffi.no](http://www.ffi.no)

## 1.2 The procurement's purpose, scope and contractual value

Tests related to the safety of use of hydrogen as an energy carrier in the marine sector will be carried out with the aim to acquire knowledge of what has been identified as areas with limited knowledge by The Norwegian Directorate for Civil Protection (DSB) and the Norwegian Maritime Authority. The test results will contribute to knowledge for introduction of hydrogen as a marine fuel, thereby facilitating safe hydrogen use for the next generation of hydrogen-electric ships.

A further description of the procurement can be seen in Annex 5 "Work assignment".

The scope will depend on the client's budget situation, activities and other framework factors and may be cancelled if the same should be changed in the procurement period or if the offered price exceeds the budgeted amount. It is further made clear that the indicated scope is not binding, but can only be seen as a recommended estimate for the contractual period, and the client is not obliged to purchase any specific amount of services and material.

## 1.3 Partial tender

It is not allowed to make a tender for parts of the contract as it is not possible to split the procurement.

## 1.4 Construction of the tender specification

The tender specification consists of this document including Annex 1 - 5 as shown below (included attachments). The following annexes/attachments must be completed and/or signed by the supplier as a part of the offer:

| Annex | Attachment                                                                                         | Complete | Attach | Sign |
|-------|----------------------------------------------------------------------------------------------------|----------|--------|------|
| 1.    | Draft contract (Due to lack of time, this annex will be provided later)                            | NO       | NO     | NO   |
|       | Attachment 1 to draft contract: General terms and conditions on procurements, BI 5002 (March 2008) | NO       | NO     | NO   |
|       | Attachment 4 to draft contract: Supplemental Agreement, BI 5156 E                                  | NO       | NO     | NO   |
| 2.    | Price form                                                                                         | YES      | YES    | NO   |
| 3.    | References                                                                                         | YES      | YES    | NO   |
| 4.    | Ethical statement                                                                                  | NO       | YES    | YES  |
| 5.    | Work assignment                                                                                    | NO       | NO     | NO   |

**Use the attached templates on submission.**

**If there is no submission of required attachments, the tender may be rejected.**

## 1.5 Announcement

The competitive tendering is announced in DOFFIN and TED, see [www.doffin.no](http://www.doffin.no).

## 1.6 Additional information

If the supplier finds that the tender specification does not give sufficient guidance or that there are errors in the tender specification, he may, in writing, ask for additional information from the client through the Merccell competitive procurement tool (KGV).

If errors are found in the tender specification, it is requested that this is communicated in writing to the client's contact person. Written applications for additional information are marked with the number and case name of the tender specification.

## 1.7 Corrections, supplements or amendments to the tender specification

Before the time limit of the tender expires, the client is entitled to make corrections, supplements and amendments to the tender specification which are not of a material character.

Corrections, supplements or amendments to the tender specification shall immediately be sent to all who have received the tender specification. Information about corrections, supplements and amendments are announced electronically on DOFFIN and through the Merccell competitive procurement tool (KGV) and in TED.

## 1.8 Progress plan

The client has considered the following time frames for the process:

| Activity                                             | Time                            |
|------------------------------------------------------|---------------------------------|
| Announcement in DOFFIN and TED                       | 12.04.2019                      |
| Deadline for asking questions relating to the tender | 13.05.2019 12:00                |
| Deadline for submitting the tender                   | 20.05.2019 12:00                |
| Opening of tenders                                   | 20.05.2019                      |
| Evaluation                                           | Week 22                         |
| Choice of supplier and notification to suppliers     | Week 23                         |
| Complaints deadline / standstill period              | 10 days after award of contract |
| Formation of contract                                | Week 25                         |
| Period during which the tender remains binding       | 90 days                         |

Note that the times after the opening of tenders are recommendations only.

Reservations are made with regard to any changes to the progress plan, and that a possible extension of the period during which the tender remains binding can only take place with the supplier's consent.

## 2 RULES OF THE COMPETITIVE TENDERING

### 2.1 Procurement procedure

The procurement is performed according to:

- Rules of procurement for the Norwegian Armed Forces (ARF)
- Act relating to public procurements of 17 June 2016 (LOA)
- Regulation relating to public procurements (FOA) FOR-2016-08-12-974.  Part I and III
- Exempt from LOA and FOA acc. to EEA article 123 a / b

The contract will be awarded according to the procedure open tender without negotiations

An open tender gives all interested suppliers the opportunity to submit tenders. There is no prequalification, and the supplier must supply the required documentation that they are qualified at the same time as they submit their tenders.

In this type of tender it is not possible to negotiate. It is consequently not possible to change the tenders or try to change the tenders by means of negotiations, i.e. changing prices, delivery times or other factors of importance for the competitive conditions. The supplier must therefore give his best tender before the closing date for the submission of tenders.

Invitation to tender will be sent to a certain number of suppliers through the competitive procurement tool Mercell.

### 2.2 Mercell competitive procurement tool (KGV)

The competitive tendering is undertaken by means of the Mercell competitive procurement tool (KGV). Tenders shall be submitted in the form described in this tool.

All applications in connection with the request shall take place through the communication module in Mercell. The reason is that these shall be documented and logged. Oral answers and explanations will not be considered unless they are documented in writing.

If you need help to do this, you may contact Mercell support on telephone no. (47) 21 01 88 60 or send an email to [support@mercell.com](mailto:support@mercell.com).

### 2.3 Qualification requirements

The documentation of the qualification requirements is stored under the Qualification requirements sheet in Mercell and answered as described in chapter 3 "Qualification requirements" in the tender specification.

In order to be qualified as a supplier, all these requirements must be answered with "Yes" accompanied by valid documentation.

### 2.4 Duty of confidentiality and Public access

According to § 23 of the Act relating to access to documents in public undertakings (the Freedom of Information Act) of 19 May 2006 no. 16, information relating to tenders and procurement protocols in matters of procurement may be exempt from public access until the choice of supplier has been made.

After then, the information in tenders will be publicly accessible unless other circumstances should indicate otherwise. This can be the duty of confidentiality in business relations or circumstances relating to the security of the realm.

Suppliers are requested to submit an edition of their tenders where information considered to be trade secrets is hidden. On application for access, the client shall, independent of this, assess whether the information is of such a kind that the client has a duty to exempt it from public access and, if necessary, contact the supplier to have their views of what can be seen as trade secrets.

The client and his employees have a duty to prevent others from gaining access to or knowledge of information about technical devices and procedures or operating and business conditions which, for competitive reasons, it would be important to keep secret, cf. FOA § 7-4, cf. the Public Administration Act § 13.

## **2.5 Use of the FFI for advertising purposes**

Suppliers need the consent of the FFI if they want to use information connected to this contract/agreement for advertising purposes. This applies to ads in writing, speech or as photos. It includes advertising both for internal and external distribution.

## **2.6 Tenders**

Tender letters with electronic signature (see chapter 2.9) and documents are stored under the Documents sheet in Merzell. Only qualified suppliers will have their tenders assessed.

The following files shall be attached

- Tender letter with a short presentation of the supplier, including
  - the supplier's contact person with phone number and email address and
  - the supplier's address, phone/fax numbers and business enterprise number.
  - All annexes and attachments as indicated in chapter 1.4 and documentation as mentioned in chapters 3 and 4.
  - Acceptance of all requirements and conditions included in the tender specification.
  - Any reservations shall be clear from the tender letter, indicating where in the tender there is reservation/are reservations (with page number and item number).
  - Price form
  - The tender shall cover all areas which are specified in chapter 4.

The FFI will not refund the vendor's costs in connection with the preparation, delivery and following up of the tender, nor when it comes to demonstrations etc.

The submitted tenders and attachments are considered to belong to the FFI and will not be returned.

## **2.7 Trade secrets**

Suppliers are requested to submit an edition of the tender where information considered to be trade secrets is hidden. On application for access, the client shall, independent of this, assess to what extent the information is of such a kind that the client has a duty to exempt it from public access and if necessary contact the supplier to have his views of what can be seen as trade secrets.

## **2.8 Electronic signature**

In this connection, an electronic signature will not be requested to confirm that it is the relevant tenderor who has submitted the tender. A signed tender letter is sufficient.

## **2.9 Reservations and discrepancies**

If the supplier makes reservations against parts of the tender specification, this shall be clear from the tender. The reservations shall be specified with what consequences this will have for performance, price or other conditions.

The same goes for discrepancies. Reservations and discrepancies shall be precise and unambiguous. Reservations and discrepancies shall be referenced to relevant items in the tender specification and be included in the tender.

Material reservations and discrepancies which can lead to doubt as to how the tender should be assessed in relation to the other tenders will result in a rejection of the tender, cf. FOA § 24-8 (1).

The supplier's reference to standardised terms of delivery or similar will be regarded as reservations if they deviate from the existing competitive tendering or contract provisions.

## **2.10 Duty of disclosure**

The client will give written notification with a short explanation if:

- The tender is rejected
- All the tenders are discarded or the competitive tendering is cancelled

The supplier may request a more detailed explanation:

- Why the tender was rejected or discarded

The client has a duty to answer this application within a reasonable time frame after the request has been received.

## **2.11 Withdrawing or amending the tender**

Submitted tenders can be withdrawn or amended until the closing date for the submission of tenders. Tenders shall be withdrawn through the Merzell competitive procurement tool (KGV). If a tender is amended, it is to be regarded as a new tender.

## **2.12 Updating the tender specification**

Any corrections, supplements or amendments to the tender specification, and questions and answers in an anonymised form, will be communicated to all suppliers who have registered their interest in the procurement.

# **3 QUALIFICATION REQUIREMENTS (REQUIREMENTS FOR THE SUPPLIER)**

In order for the supplier to have his tender assessed, the supplier must fill in the electronic personal statement form (ESPD) to say that the supplier satisfies all the qualification requirements which are listed below. The supplier(s) nominated for the formation of a contract must, prior to forming the contract, document compliance with the qualification requirements according to the indicated documentation requirements.

### 3.1 General

The various items listed under the qualification requirements in the suppliers' starting picture in Mercell are answered in the following way:

- Select "Yes" from the pull-down menu for the question: Are you qualified?
- Attach the necessary documentation for the qualification requirement.
- If necessary, comment on the individual requirements or answers in the writing field on the left.

### 3.2 The supplier's organisational and legal position

| Requirement                                                                      | Documentation                                                                                                                                                                                                                                                                                                                                                                                                            |
|----------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The supplier shall be a legally established company                              | Certificate of registration                                                                                                                                                                                                                                                                                                                                                                                              |
| The supplier shall have his affairs in order with regard to paying VAT and taxes | Certificates not older than 6 months showing that VAT and tax have been paid.<br>Information about tax certificates can be found on: <a href="http://www.skatteetaten.no">www.skatteetaten.no</a><br>The certificate is ordered and downloaded from Altinn on: <a href="http://www.altinn.no">www.altinn.no</a><br><br>Foreign suppliers shall submit certificates from corresponding authorities as the Norwegian ones. |
| Personal ethical statement for suppliers                                         | Attach confirmation that you, as suppliers, know and comply with the requirements in the statement                                                                                                                                                                                                                                                                                                                       |

### 3.3 The supplier's economic and financial position

| Requirement                                                                                | Documentation                                                                                                                                                                                                                                                             |
|--------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The supplier shall have a sound economy and financial capacity to perform the job/contract | Credit assessment/rating, not older than 6 months, and which is based on the latest known accounts. A rating shall be performed by a publicly approved credit assessment institution or similar for non-Norwegian suppliers. The rating shall be credit worthy or better. |

If the supplier, for valid reasons, cannot submit the documentation the client has requested, he can prove his economic and financial position by means of any document the client can accept.

### 3.4 The supplier's technical and professional qualifications

| Requirement                                                                                                                                                                                                                                                                                                                                                                                                                      | Documentation                                                                                                                                                                                |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The supplier shall have experience from similar contracts. Attach a list showing the supplier's most relevant deliverie(s), including the latest delivery from for a corresponding job, for the 3 last years.<br>The description shall include an indication of value of the job, period and receiver (name/tel. no./and reference person). Plus a short description of the work/job. References will be contacted if necessary. | Attachment 3                                                                                                                                                                                 |
| The supplier shall have a good and well-functioning quality assurance system.                                                                                                                                                                                                                                                                                                                                                    | A statement is required, or copies of the system certificate issued by accredited certification bodies or similar, with regard to the supplier's quality assurance system/management system. |
| The supplier shall have the necessary approvals for the technical area.                                                                                                                                                                                                                                                                                                                                                          | Attach certificates or similar documents from nation authorities which document that the supplier has the necessary approvals.                                                               |

## 4 REQUIREMENT FOR PERFORMANCE AND AWARD CRITERIA

### 4.1 General

Annex 5 "Work assignment".

### 4.2 General terms

The Norwegian Armed Forces' "General terms and conditions on procurement", BI 5002, are used as a basis in all procurements to the FFI (Annex: «General terms and conditions on procurements»).

### 4.3 Contract

Due to lack of time, the annex1 «Draft contract» will be supplied later.

### 4.4 Price

The tender will be evaluated based on the total price for the assignment.

The vendor shall offer a price for repeating an experiment which allows the client to add more repetitions within a fixed budget. Hence, the bidders shall include the price for each test and experiment, in addition to other costs such as installations, materials and transportation.

The price form shall be completed, be without VAT and submitted with the tender.

A detailed explanation is found in the price form. See annex 2. «Price form».

The prices are fixed throughout the first contractual period.

## 4.5 Technical and functional ability

The supplier should document that they have the proper experience, facilities and equipment to fulfill the required tests.

## 4.6 Delivery

The tests shall be carried out before December 2019. Delivery in an earlier date will be awarded.

## 4.7 Assignment understanding

The assignment is described in annex 5. The Offer shall include the suppliers understanding of the written assignment.

## 4.8 Award criteria

Awarding will be based on the tender who has the best ratio between price and qualities, based on the following criteria:

| Criterion                        | Weight | Documentation requirements                                                                                                                                              |
|----------------------------------|--------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Price                            | 40%    | The price distribution that allows the client to have as many experiments repetitions as the budget allows. Please see chapter 4.4 and price form for more information. |
| Technical and functional ability | 20%    | Documented experience with similar tests as specified in chapter 4.5                                                                                                    |
| Delivery                         | 20%    | Documented as specified in chapter 4.6                                                                                                                                  |
| Assignment understanding         | 20%    | Documented as specified in chapter 4.7                                                                                                                                  |

# 5 CLIENT'S PROCESSING OF THE TENDERS

## 5.1 Registering tenders

Tenders are registered in the Merzell competitive procurement tool (KGV) as they come in. Written notification will be given to the relevant tenderor of submitted tenders which are discarded.

## 5.2 Opening of tenders

The opening of tenders will not be public.

## 5.3 Rejection due to circumstances relating to the supplier

The client has a duty to reject suppliers if there are circumstances in connection with FOA § 11 -10 1st subsection.

The client may reject suppliers if there are circumstances in connection with FOA § 11-10 2nd subsection, litra a-g.

## 5.4 Rejection due to circumstances relating to the tender

The client has a duty to reject tenders if there are circumstances connected with FOA § 11-11 1st subsection, litra a-f.

The client may reject tenders if there are circumstances in connection with FOA § 11-11 2nd subsection, litra a-d.

## **5.5 Clarification**

It is not allowed to amend or try to amend the tenders through negotiations. However, the following clarifications are allowed with regard to the tenders:

- Clarify ambiguities, unless the ambiguities are of such a type that the tender should have been rejected.
- With regard to solutions, work methods or materials which the supplier himself proposes, the client may ask the supplier to make further elaborations and clarifications of how the requirements in the tender specification will be taken care of.
- If it is necessary for technical or functional reasons, minor changes may be made to solutions the supplier has put forward.

## **5.6 Correcting obvious errors**

If the client becomes aware of obvious errors in the tender, these shall be corrected if there is no doubt as to how the error should be corrected.

# **6 DECISION TO END THE COMPETITIVE TENDERING**

## **6.1 Cancellation of the competitive tendering and total discarding**

The client may cancel the competitive tendering or discard all submitted tenders if there are objective reasons for it.

## **6.2 Information and motivation for awarding the contract**

The client's decision as to who should be awarded the contract will be announced in writing to all participants at the same time in a reasonable time before the contract is formed. By «contract is formed» the time is meant when both parties sign the contract.

## **6.3 Complaints deadline / standstill period**

There is a complaints deadline / standstill period of 10 days after awarding contract. When the qualifying period has expired, the client intends to form the contract.