

INVITATION TO TENDER

Competition with negotiations,

in accordance with the Purchase regulations for the
Utilities Sector no. 975 of 12th of August 2016 Sections
I and II,

for the procurement of IT consultants for the
development of AtB's new Mobility Platform

[v3 19.08.2019](#)



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1. Introduction

1.1 Definitions

In this document and in all the document's attachments and accompanying appendices, the following definitions apply:

Customer

AtB AS, abbreviated to AtB. The Customer will be the contracting party for the Consultant assigned to the Contract.

Consultant

The Supplier that is awarded the contract.

Invitation to tender

This document

Supplier

An undertaking competing to be awarded the agreement.

1.2 Document description

The tender document consists of the following documents:

- Invitation to tender
 1. Tender document - Attachment 1 Form for presentation of the Tender
 2. Tender document - Attachment 2 Form for deviations
 3. Tender document - Attachment 3 Declaration of commitment
 4. Tender document - Attachment 4 Self-declaration of waiver of confidentiality
 5. Tender document - Attachment 5 Tender Letter
- Appendix 0 – Contract SSA-B
- Appendix 1 – Description of the Assistance
- Appendix 2 – Project and progress plan
- Appendix 3 – Administrative provisions
 - Appendix 3 Attachment 3.1 – Self declaration on wages and working condition
- Appendix 4 – Prices and price provisions
 - Appendix 4 Attachment 4.1 Price form
- Appendix 5 – Changes to the general contractual wording
- Appendix 6 – Changes subsequent to the conclusion of the Agreement
- Appendix 7 – The Customer's ethical guidelines for Suppliers
- Appendix 8 – Confidentiality agreement
- Appendix 9 – Questions and Answers
- Appendix 10 – Data Processing agreement

The Invitation to tender provides the requirements to the Supplier in accordance with the current public procurement regulations. The Invitation to tender also sets the framework for the competition and is an instruction to the Supplier. The Invitation to tender is not included in the contract signed between the Customer and the Consultant.

The tender shall be in accordance with the guidelines given in the Invitation to tender.

1.3 The Customer

AtB AS is a mobility company, responsible for planning, coordinating, marketing and purchasing of scheduled public transport in Trøndelag. In addition, AtB is responsible for school transportation in Trøndelag.

AtB does not operate any public transport services but acquires transport services from operators who perform the daily operations.

For more information, please visit www.atb.no.

Feltkode endret

1.4 Communication

All communication in the process shall be made through the communication channel in Mercell. This is to ensure that all communication is logged.

When looking at the tender in Mercell, choose the "Communication" tab. Then click "New message" and write your question/information to the Customer and click send. The Customer receives your message.

If the question is relevant to all Supplier, the Customer will answer the question through Appendix 9 – Questions and Answers. The Q and A is anonymous.

There shall be no contact or communication with persons at the Customer other than through Mercell.

1.5 Purpose and scope of the procurement

The purpose of this competition is to procure the right software development team to help AtB build a mobility platform that is open source and based on Entur.

AtB's guess is that a skilled cross-functional autonomous team (5 - 8 persons) are essential to embark on the journey for AtB to become Trøndelag's provider of "Mobility-as-a-Service".

Full description of the delivery is included Appendix 1 to the Agreement.

The duration of the Agreement is two years. In addition, there is a unilateral option for the Customer to expand the Agreement up to two years in total, with minimum six months for each expansion.

1.6 Partial tenders

This contract is not divided into lots, and it is therefore no opportunity to submit partial tenders.

1.7 Alternate tenders

The Customer does not accept alternate tenders.

1.8 Time table

The following time frames apply to the process:

Activity	Date/time
Deadline for submitting questions concerning the tender documents*	23.08.2019 <u>29.08.2019 at 12.00 p.m</u>
Deadline for submitting an application to participate in the competition	09.08.2019 at 10.00 a.m.
Deadline for submission of tenders	02.09.2019 <u>10.09.2019 at 10.00 a.m.</u>
Opening of tenders	02.09.2019 <u>10.09.2019 at 10.15 a.m.</u>
Evaluation of tenders before negotiations	Weeks 36-37 <u>- 38</u>
Negotiations	Weeks 38-39 <u>- 40</u>
Deadline for submission of revised tenders	Weeks 40-41 <u>- 42</u>
Awarding of contract and notification to suppliers	Weeks 43-44 <u>44 – 45</u>
Closing date for standstill period	Ten days after award of the contract
Signing of contract	Weeks 45-46 <u>47 - 48</u>
Validity of tender	3 months after the deadline for submission of the tenders
Contract starting date	02.01.2020

Times given after Deadline for submission of tenders are tentative.

All times specified are GMT+1.

Any extension of the period for validity of tenders requires consent from the Supplier.

2 RULES FOR IMPLEMENTING THE COMPETITION AND REQUIREMENTS FOR TENDERS

2.1 Procurement procedure

This competition is conducted in accordance with the Public Sector Procurement Act no. 73 17th of June 2016, and the Purchase Regulations for the Utilities Sector no. 975 of 12th of August 2016 (hereinafter referred to as the Utilities Regulation). For this procurement, sections I and II of the Utilities Regulation apply.

The contract will be awarded after a competition with negotiations, cf. § 9-1 of the Utilities Regulation.

This competition starts with a qualification phase. All interested Suppliers can apply to participate in the competition. Only those Suppliers who are invited by the Customer may submit tenders, cf. § 19-7 of the Utilities Regulation. The Customer clarifies that all qualified Suppliers will be invited to submit a tender.

The Suppliers shall submit the electronic ESPD form together with the application to participate in the competition, see chapter 3. In addition, the Supplier shall also submit the relevant documentation associated with the qualification requirements mentioned in chapter 4 of this document.

The Customer reserves the right to reduce the number of Suppliers that will be invited to negotiations to 3-5 Suppliers. This selection will be based on an evaluation of submitted tenders, see chapter 5 on award criteria.

The negotiations will be conducted in accordance with the Utilities Regulation §§ 19-7 and 19-11.

Furthermore, it is noted that tenders containing significant deviations from the tender documents shall be rejected in accordance with § 20-8 (1) b of the Utilities Regulation. The Customer may reject tenders containing deviations from the tender documents, uncertainties or equivalent which may not be considered insignificant, cf. § 20-8 (2) a of the Utilities Regulation.

The Supplier is strongly encouraged to follow the instructions given in this document with attachments and appendices and, if necessary, ask questions about unclarities via Mercell.

2.2 Duty of confidentiality

The Customer and its employees have a duty to ensure that others are not given access to or knowledge of information about technical solutions, methods, or other business-related aspects which are to be considered trade secrets, cf. § 13 of the Norwegian Public Administration Act and § 7-3 the Utilities Regulation.

2.3 Validity of tender

Suppliers are bound by their tender until the given date for Validity of tender, see 1.8 Time table.

2.4 Update of the tender documents and additional information

The Customer has the right to make corrections, additions or changes to the tender documents that are not substantial, within the expiry of the Deadline for submission of tenders. Any corrections, additions or changes to the tender documents, including questions and answers in anonymous form, will be given to all Suppliers who have registered their interest for this procurement on Mercell.

If the Supplier finds that the tender documents does not give enough guidance, the Supplier may ask for additional information from the Customer in writing through Mercell.

If the Supplier discovers errors in the tender documents, we ask that the Supplier communicates this in writing via Mercell as soon as possible.

All requests shall be written and must be sent to the Customer via Mercell.

2.5 Deadline for request for interim injunction

Request for interim injunction against the Customer's decision to either reject an application to participate in the competition, cf. §§ 20-1 and 20-2 of the Utilities Regulation, must be submitted to the district court within 15 days from the Customer's notice, cf. § 16-5 of the Utilities Regulation.

2.6 Compensation

The Supplier does not have the right to any form of compensation for preparing, delivering or following-up of the tender.

3 THE EUROPEAN SINGLE PROCUREMENT DOCUMENT (ESPD)

3.1 About ESPD

As a preliminary documentation for fulfilment of the qualification requirements and that there are no grounds for rejection, the Supplier must complete the ESPD form.

The ESPD form is an integrated part of the submission of the application for participation in Merccell. This means that by going through the submission process, the Supplier must fill out the integrated ESPD form.

3.1.1 ESPD for subcontractors and suppliers who participate in the competition jointly

If the Supplier relies on the capacity of subcontractor(s), the subcontractor(s) shall provide separate ESPD forms. If Suppliers participate in the competition jointly, separate ESPD forms must be also provided. The supporting undertaking(s) must provide separate ESPD-forms. Please see clause 3.1.2 for further details.

The sections in the ESPD form that must be answered by others than the main Supplier depends on the type of subcontractor/supplier the main Supplier is using:



3.1.2 Submission of ESPD form for subcontractors and suppliers who participate in the competition jointly

Information about the integrated ESPD form in Merccell for subcontractors and suppliers who participate in the competition jointly

Further guidance on how to submit an ESPD-form for supporting undertakings/subcontractors can be found at:

<https://mercell.guiden.no/7347c9bb6023623834a66eebf74e0a1781ce.guide>

The guideline is in Norwegian. Merccell does not have an English guideline available yet. We therefore ask that the Supplier contacts Merccell Support well in advance of submission of the tender for assistance, see 6.1.1.

According to Merccell, the Supplier will not be able to submit the tender before the supporting undertakings/subcontractors has completed their integrated ESPD form in Merccell.

The subcontractors/ suppliers who participate in the competition jointly can provide a comprehensive declaration in the ESPD form that they meet all of the qualification requirements that arise from the Invitation to tender. This is done in the ESPD form part IV section a.

3.1.3 *If the Supplier relies any subcontractors or contractual partners to fulfil the qualification requirements*

If the Supplier relies on any Subcontractors or contractual partners to fulfil the qualification requirements, the following applies:

Requirement	Documentation
If the Supplier relies on any subcontractors or contractual partners to fulfil qualification requirements, the Supplier shall document that the necessary resources are at the disposal of the Supplier.	<ul style="list-style-type: none">• A short description of contractual partners / subcontractors as well as a description of the specific qualification requirements they shall fulfil• Signed declaration of commitment between the parties, cf. Tender document - Attachment 3 Declaration of Commitment.

3.2 National exclusion grounds

According to ESPD part III: Exclusion grounds, section D: «Other exclusion grounds that may be foreseen in the national legislation of the contracting authority's or contracting entity's member state». The Norwegian public procurement legislation goes further than the exclusion grounds in EU directive on public procurement and the standard form for ESPD. It is therefore noted that all exclusion grounds mentioned in § 20-2 of the Utilities Regulation apply, including the national exclusion grounds.

The following exclusion grounds in § 20-2 of the Utilities Regulation are national:

- § 20-2 (2). This provision states that the Customer shall exclude a Supplier when the Customer is aware that the Supplier has been duly sentenced or has agreed to a penalty notice for the specified criminal offences. The requirement that the Customer shall exclude suppliers that has agreed to a penalty notice for the specified criminal offences is a special Norwegian requirement.
- § 20-2 (3) letter i. The ground for exclusion in the ESPD form only applies to serious errors in the profession, while the Norwegian exclusion ground also includes other serious errors that may cause doubts regarding the professional integrity of the Supplier.

3.3 Overall statement for all qualification requirements in the ESPD form

In this competition, Suppliers must provide a declaration in the ESPD form that they fulfil all qualification requirements that emerge from the Invitation to tender. The declaration shall be written in part IV section a of the ESPD form.

4 QUALIFICATION REQUIREMENTS

To have their tenders evaluated, the Suppliers must complete the ESPD form and confirm that they fulfill all qualification requirements listed below. In addition, the Suppliers shall submit the relevant documentation for each qualification requirement with the application to participate in the competition.

4.1 Tax certificate

Requirement	Documentation
The Supplier shall comply with requirements concerning payment of tax, employer's fee and value added tax.	<ul style="list-style-type: none">Norwegian undertakings: Tax certificate. The certificate shall not be older than 6 months, calculated from the deadline for submission of tenders. Any arrears or other irregularities must be justified.<u>Foreign undertakings</u>: The Supplier must provide certificates issued by competent authority confirming that the Supplier has fulfilled obligations regarding payment of taxes and fees under the law of the country in which the provider is established. Certificates shall not be older than 6 months from the expiration of the deadline for submission of tenders.The documentation shall be submitted with the qualification application.

4.2 Supplier's registration, authorization, etc.

Requirement	Documentation
The Supplier shall be registered in an enterprise register, professional register or trade register in the state the Supplier is established.	<ul style="list-style-type: none">Norwegian undertakings: Certificate of undertaking registration<u>Foreign undertakings</u>: Documentation that the Supplier is registered in trade registers or business registers prescribed by the law of the country in which the Supplier is established.The documentation shall be submitted with the qualification application.

4.3 The economic and financial capacity of the Supplier

Requirement	Documentation
The Supplier shall have sufficient financial capacity to fulfil the contract.	<ul style="list-style-type: none"> • Credit rating which is based on the latest known accounting figures. The rating shall be carried out by a publicly approved agency with licence to conduct credit rating. • Annual accounts for 2018 • The documentation shall be submitted with the qualification application.

If Suppliers have duly reasons not to submit the documentation required by the contracting authority, the supplier may document the economic and financial capacity by submitting any other document that the contracting authority deems suitable, cf. the Utilities Regulation 12-1 (2), cf. Public Procurement Regulation 16-4 (2).

formaterte: Engelsk (Storbritannia)

If the Supplier is to use Subcontractors to fulfil the contract, clause 4.4 is applicable.

4.4 If the Supplier is using subcontractors to fulfil the contract, but not using the Subcontractor to fulfil qualification requirements

Requirement	Documentation
If the Supplier is using Subcontractors to fulfil the contract (but not using the Subcontractor to fulfil qualification requirements), the Supplier shall document how large of a proportion of the contract and which parts of the contract is being entrusted to the Subcontractors.	<ul style="list-style-type: none"> • A description of the extent of the contract the Subcontractor(s) shall carry out and, where applicable, what parts the Supplier intends to entrust to the Subcontractor(s). • The documentation shall be submitted with the qualification application.

Also see clause 3.1.1 ESPD for subcontractors and suppliers who participate in the competition jointly.

5 AWARD CRITERIA

The evaluation will consider which tender is the most economically advantageous, based on the following criteria:

Award criteria, weight	Subcriteria, weight	Documentation
Quality, 70 % (Please note the page limitation, see clause 5.1.2)	Understanding of the assignment, 40 %	Description consisting of: <ul style="list-style-type: none"> • An overall understanding of the assignment • Universal Design: which solutions, techniques and technologies will best solve Universal Design for AtB's customers. Creativity is weighted positively. • Solution Architecture: which solutions, techniques and technologies represent the best Solution Architecture for AMP. Creativity is weighted positively.
	Competence and ability, 60 %	<ul style="list-style-type: none"> • Description of the composition of the offered team. Highlight: <ul style="list-style-type: none"> • how the offered team adopts an agile method • agile ways of work in this specific project • the composition of roles in the offered team and how they provide width, depth, variation and overlap <p>CVs for members of the offered team shall be included as appendices and shall include previous comparable projects that the members have participated in and the number of hours the participant had in the project and contact information to contact persons for the projects. The Customer reserves the right to contact references and review relevant information on team members that is publicly available.</p> <ul style="list-style-type: none"> • In the negotiations an oral team interview and team problem solving case study will be conducted.
Price, 30%		<ul style="list-style-type: none"> • Completed price form, see Appendix 4 Attachment 4.1 Price form

5.1 Method for evaluation

5.1.1 Price

The evaluation of the price criterion is based on the completed price form. See Attachment 4.1 - Price form for further instructions.

It is the total price that represents the evaluation price. The lowest total price achieves maximum score, 10 points.

If the offered total price is twice as high, or more, than the lowest offered total price, it results in a score of zero (0) points on the price criterion.

5.1.2 Quality

Suppliers shall limit their response to the award criterion quality to 30 pages. This limitation does not include front page, table of contents, charts, figures and CVs.

The evaluation of the award criterion quality is based on the Supplier's response and description to the subcriteria "understanding of the assignment" and "competence and ability". Please view the internal weight of the subcriteria in the table above.

The award criterion quality, including subcriteria, will be given scores from 0-10, where 10 is the highest score. The evaluation is based on a discretionary assessment of the various subcriteria and will be conducted by professional personnel at the Customer.

For the specified weighting of the award criterion to be correct, the best tender within the award criterion quality must get 10 points. Therefore, the individual Supplier's score for the award criterion must be scaled up by the factor $10 / \text{best score within the criterion quality}$. This is often referred to as score normalization.

6 SUBMISSION OF APPLICATIONS/TENDERS AND MEANS OF PRESENTING THE APPLICATION/TENDER

6.1 Submission of application to participate in the competition and of tenders

All applications/tenders must be submitted electronically via www.mercell.com within the deadline. Applications/tenders submitted after the deadline will be rejected.

Feltkode endret

It is recommended that the application/tenders are submitted well in advance and at least one day before the deadline.

If the Customer gives additional information that makes you want to change your application/tender before the deadline expires, you can open your application/tender, make changes and re-submit before the deadline expires. The last submitted tender will be your final and valid tender.

6.1.1 Mercell Support

If you are not a Mercell-user, or if you have questions related to the functionality of the tool, contact Mercell Support on tel.: +47 21 01 88 60 or e-mail: support@mercell.com.

Feltkode endret

The Supplier is responsible to get acquainted with the opening hours of Mercell Support.

The Supplier shall contact Mercell Support if challenges related to delivering the tender through Mercell occur.

6.1.2 Confirmation

The Customer asks that you confirm whether you want to make a bid. This has to be done electronically in Mercell, by choosing the "Make bid" tab, and then clicking the button "I want to bid" or "I do not want to bid." This gives the Customer an indication of whether we can expect a tender from the Supplier. Note that Suppliers do not commit themselves by making this confirmation. We ask that the Supplier verifies whether they wish to make a bid as soon as possible.

6.2 Presentation of the application to participate in the competition

The application to participate in the competition shall:

- Contain a confirmation that is dated and signed by a person legally representing the Supplier (this means that the application shall be signed by the person who is authorized to sign on behalf of the undertaking in accordance with the registration certificate. If the application is signed by a person without signature right under the undertaking certificate, proxy for signature must be attached to the application).
- Contain a completed ESPD form
- Contain the documentation needed to fulfil the qualification requirements mentioned in chapter 4.

6.3 Presentation of the tender

We ask that the tender is presented according to the disposition that follows from the Tender document – Attachment 1 Form for presentation of the Tender.

The Supplier is responsible for presenting and responding to all questions, requirements and clarifications given in the tender documents. Lacking or insufficient documentation can result in rejection of the tender.

The tender shall not contain brochures or other commercial material unless this is related and are relevant to the response in the tender.

6.4 Language

Tenders shall be delivered in English or in Norwegian. Attachments to the tender of technical character, technical documentation etc., may be in English, Norwegian, Swedish or Danish.

Any communication during the procurement procedure, including clarifications, shall be in English.

6.5 Publicity

The Customer is subject to the Norwegian Public Act, including the right of access to tenders received by the Customer. If the tender contains business secrets, the Supplier must also provide a censored version of the tender.

According to the Norwegian Public law, the Customer will nevertheless undertake an independent decision as to whether the information is regarded as business secrets.

6.6 Opening of the tenders

Tenders will be opened after the deadline for submission of tenders. Suppliers may not be present during the opening of tenders.

6.7 Treatment of the tender

The Suppliers may, within the limits deriving from the public procurement regulation, be asked for additional information if this is deemed necessary.

The Customer's potential need for clarifications of the tender will be notified in writing or directly during the negotiations.

All parts of the tender are subject to negotiation.

6.7. Rejection of tenders

Rejection of tenders is regulated in chapter 20 the Utilities Regulation. Suppliers who had their tender rejected, will receive a written notice stating the justification for the rejection.

6.8. Cancelling of the competition

The Customer may cancel the competition if this is duly justified.