



THE NORWEGIAN ARMED FORCES
The Norwegian Defence Logistics Organisation

2020028535 – Firefighting & Damage Control Equipment

Invitation to pre-qualification

Negotiated Procedure
(FOSA part I and II)

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1. Introduction

1.1 About the Contracting Authority

This procurement is conducted by The Norwegian Armed Forces, represented by the Norwegian Defence Logistics Organisation, hereinafter referred to as NDLO or “the Contracting Authority”.

The Norwegian Armed Forces' responsibility is to defend Norway and Norway's values and interests. For more information, please see www.forsvaret.no. NDLO serves to strengthen the Norwegian Armed Forces' combat ability and perseverance by way of effective logistics, and is responsible to deliver fully operative equipment as quickly and effectively as possible. NDLO Strategic procurements are responsible for framework agreements and the purchase of goods and services for the entire Norwegian Armed Forces. The department enters into new, and administers existing contracts and agreements with contractors in Norway and internationally.

NDLO is a professional services company with approximately 1,700 employees. The organisation is divided into staff and divisions within maintenance, supply and procurements.

1.2 User

The Contracting Authority shall enter into this agreement on behalf of the Norwegian Police and the Norwegian Ministry of Defence with the subordinate agencies.

The Norwegian Ministry of Defence's subordinate agencies are currently:

- The Norwegian Armed Forces
- The Norwegian Defence Materiel Agency (NDMA)
- The Norwegian Defence Research Establishment (FFI)
- The Norwegian National Security Authority (NSM)
- The Norwegian Defence Estates Agency (NDEA)

Representatives for all users may make call offs from the framework agreement.

1.3 Purpose of the procurement

The purpose of the procurement is to cover the user's need for Firefighting & Damage Control Equipment of high quality, to ensure the safety of the user's personnel and property, e.g. vessels.

See Annex 6 for an overview of the relevant equipment groups that will be the scope of this procurement.

In addition to delivery of the relevant equipment, the Contract will also include spare parts, service and maintenance for some of the equipment included in the scope.

1.4 Scope of the procurement

The Contract has an estimated value of 90 million NOK.

The estimate has been based on historic figures and/or expected future use on the basis of the Contracting Authority's best estimate.

The estimate does not entail any purchase obligations. The actual amount of call offs depends on the user's shifting needs during the term of the framework agreement.

The maximum value of the Contract is 150 million NOK.

1.5 Duration

The duration of the framework agreement is 4 years. The Contracting Authority shall have one or more renewal options for another 3 years. The maximum duration of the agreement including options is 7 years.

1.6 Type of contract

For the assignment, a framework agreement shall be entered into with one contractor.

1.7 Exclusivity

The framework agreement is a non-exclusive agreement. The Contracting Authority reserves the right to enter into contracts with other contractors when the Contracting Authority finds this practical.

1.8 The structure of the qualifying documentation

The qualifying documentation consists of the following documents:

The main document	Invitation to pre-qualification (this document)
Annex 1	Request letter (template)
Annex 2	Declaration of commitment (template)
Annex 3	Self-declaration on ethical commitment
Annex 4	Caution, duty of non-disclosure and conflict of interest
Annex 5	Qualification Requirements Compliance Sheet
Annex 6	Equipment Groups

2. Conduct of the procedure

2.1 Procurement procedures

This procurement is conducted in accordance with the Act and Regulation on public procurement; the Act of 17 June 2016 no. 73 (the Public Procurement Act) and the Regulation laid down by royal decree of 4 October 2013 no. 1185 on Defence and Security Procurements ("FOSA").

The procurement is conducted according to the procedure "negotiated procedure following prior notification" according to FOSA Section 5-1 first paragraph. This is a procedure consisting of two phases starting with this qualification phase. All interested contractors have the opportunity to submit a request to participate in the tender. Qualified contractors will be invited to submit their tender in the next phase of the procedure (the tender phase), see clause 5.

2.2 Tender notice

The procurement is published in Doffin (www.doffin.no) and Tender Electronic Daily (TED) (www.ted.europa.eu).

2.3 Important dates

2.3.1 Progress plan

The Contracting Authority plans to conduct the procurement in accordance with the progress plan below.

Please note that the progress plan is tentative, and that the Contracting Authority may make adjustments during the process. **Requests that are submitted too late will be rejected.**

ACTIVITY	DATE
Publication of notice in Doffin/TED	03.09.2021
Deadline for questions about the qualification documentation	30.09.2021
Deadline to submit requests for participation	11.10.2021 kl. 12:00
Evaluation of requests for participation	Week 41-42
Invitation to tender, including tender documentation	22.10.2021
Deadline for submission of tenders	22.11.2021 kl. 12:00
Evaluation of tenders and negotiations	Week 47-49
Contract award	10.12.2021
Expiry of the standstill period	20.12.2021
Signing of contract	21.12.2021
Tender acceptance period	28.02.2022 kl. 23:59

2.4 Communication during the pre-qualification period

All communication regarding this procurement procedure shall be conducted in the Mercell portal, to log all communication.

In the Mercell portal, enter the “Communication” tab. Click the icon “New message”. Write the information to NDLO and click “Send”. NDLO will then receive the information.

Questions regarding the qualification documents must be sent within the deadline for questions stated in article 2.3.1.

All questions will be anonymised and answers will be made available to all Candidates who have registered interest for the procurement procedure in the Mercell portal. Candidates who have registered their interest will receive an Email when additional information is published. The Email includes a link to the relevant procurement procedure.

2.5 Corrections, supplements and/or amendments to the qualification documentation

The Contracting Authority has the right to correct, supplement or change the qualification documents within the due date, as long as these are not substantial.

Corrections, supplementations or changes will be made available in the Mercell portal, and the Candidates will receive an Email from the Mercell portal each time a correction, supplementation and/or change is made.

If the Candidate discovers any errors in the qualification documents, please bring this to the Contracting Authority’s attention via the communication module in the Mercell portal as soon as possible.

3. Administrative provisions

3.1 Language

All written and oral communication relating to this tender shall be in Norwegian or English. The language requirement also applies to the request for participation.

3.2 Security

3.2.1 Classified procurements

Act of 20 March 1998 No. 10 relating to Protective Security Services (the Security Act) applies to procurements that are classified pursuant to this act.

3.2.2 Security clearance

The contractor's personnel who is to provide assistance under the framework agreement must be able to be authorised for level: RESTRICTED.

The Contracting Authority encourages all contractors to familiarise themselves with procedures concerning the security approval of the contractor and security clearance.

For more information, reference is made to the Norwegian National Security Authority's (NSM) websites:

<https://nsm.stat.no/> and <https://nsm.stat.no/publikasjoner/skiema/>

Applicable laws and regulations can be downloaded from the following website:

<http://www.lovdato.no>

3.3 Public access to documents and confidentiality

For the general public's access to documents relating to a public procurement, the Freedom of Information Act and the Non-Disclosure Regulation in the Public Administration Act apply.

The contractors must submit one copy of the request for participation where the contractor censors what the contractor considers to be trade secrets according to Norwegian law. Examples of such confidential information can be information about employees, reference descriptions, information about collaborating partners, etc.

In connection with requests for access to information, the Contracting Authority must independently of the view of the contractor, assess whether the information is of such a nature that the Contracting Authority is obliged to give access.

The contractors shall protect information of a confidential nature, which is made available to them in connection with the procurement.

3.4 Code of ethics and general requirements for the case handling

Employees in the defence sector and contractors participating in the tender shall act in accordance with good business practice and ensure a high business ethical standard in their case handling in all phases of the procurement process.

A further review on this appears from Annex 3 – Self-declaration of ethical commitment. By submitting tenders, the contractor confirms that Annex 3 is read and accepted, and that any information according to Annex 3 section 3 appears from the request.

3.5 The contractor's costs relating to participation in the tender

Costs incurred by the contractor in connection with the preparation, submission or follow-up of the request for participation and qualification process, as well as the procurement process in other respects, will not be refunded. Participation in this procurement process will not in any way commit the Contracting Authority to enter into contract with the contractor, or impose any type of economic obligations upon the Contracting Authority towards the contractor.

4. Qualification requirements

4.1 Introduction

The contractor must fulfil all of the qualification requirements listed below in order to qualify for participation in the tender.

The contractor is responsible to submit all of the below requested documentation as documentation of the fulfilment of the set requirements. Lacking and/or deviating documentation may entail rejection.

The tender documentation and an invitation for further participation in the tender will only be sent to qualified contractors.

4.2 Reliance on the capacity of other entities

The contractor can choose to rely on the capacity of other entities in order to fulfil the requirements to the contractor's economic and financial capacity and to technical and professional qualifications. Other entities include parent companies, collaborating partners, subcontractors etc.

If the contractor relies on the capacity of other entities to fulfil the qualification requirements to economic and financial capacity and/or for technical and professional qualifications, a signed declaration of commitment shall be enclosed, see Annex 2 – Declaration of commitment.

4.3 Mandatory requirements

REQUIREMENT	DOCUMENTATION REQUIREMENT
The contractor shall ensure that it properly fulfils its obligations regarding the payment of tax and VAT.	<p>Tax certificate which is not older than 6 months calculated from the application deadline. Tax certificate means:</p> <p><u>For Norwegian contractors:</u></p> <ul style="list-style-type: none"> • Certificate issued by a tax collector or the Norwegian Tax Administration regarding: <ul style="list-style-type: none"> ○ Value added tax ○ Tax ○ Payroll tax <p><u>For foreign contractors:</u></p> <ul style="list-style-type: none"> • Foreign contractors must submit corresponding certificates from their countries, documenting proper fulfilment of their obligations regarding the payment of taxes and duties. • If the authorities in the relevant country do not issue such certificates, the contractor must submit a declaration which confirms that all taxes and duties are paid. The declaration must be approved and signed by the contractor's CFO/financial manager.

4.4 Requirements to the contractor's registration, authorisation etc.

REQUIREMENT	DOCUMENTATION REQUIREMENT
The contractor must be registered in the Central Coordinating Register of Legal Entities or the Chamber of Commerce in the state where the contractor is established.	<p>Norwegian contractors:</p> <ul style="list-style-type: none"> - Certificate of Registration <p>Foreign contractors:</p> <ul style="list-style-type: none"> - Confirmation that the contractor is registered in the Central Coordinating Register of Legal Entities or a Chamber of Commerce in the state where the contractor is established.

4.5 Regarding requirements for the contractors' economic and financial capacity

REQUIREMENT	DOCUMENTATION REQUIREMENT
<p>The contractor must have sufficient necessary economic and financial capacity to execute the contract.</p> <p>It is sufficient in order to fulfil the requirements that the contractor has achieved the credit rating «A» or similar.</p>	Credit rating from an acknowledged credit rating company based on the latest accounting data. The credit rating must not be older than 3 months.

If a contractor relies on the capacity of other businesses in order to fulfil this requirement, the Contracting Authority can require that they shall be jointly and severally liable for the execution of the contract.

If the contractor has justifiable reason not to submit the documentation requested by the Contracting Authority, the contractor can document its economic and financial capacity by submitting any other document which the Contracting Authority deems suitable.

4.6 Requirements to the contractors' technical and professional qualifications

REQUIREMENT	DOCUMENTATION REQUIREMENT
<p>The contractor must have good experience from similar deliveries.</p> <p>In the assessment of “similar deliveries” we will take into account size of deliveries, value of contracts, type of deliveries, including service etc.</p>	<p>Overview of the contractor's 3 most relevant assignments during the past 3 years. In order to secure sufficient competition, documentation for deliveries performed by the contractor more than 3 years ago may also be taken into consideration. The overview must include a specification of:</p> <ul style="list-style-type: none"> • The value of the assignment • Time • Recipient (name, telephone and e-mail) • Brief description of the delivery <p>It is the contractor's responsibility to document relevance through the description.</p>
<p>The contractor shall have the sufficient capacity to execute the contract.</p>	<p>Description of technical personnel and technical entities, in particular those that are responsible for the quality control, available to the contractor to execute the contract.</p> <p>Description of the contractor's organizational structure with an overview of available personnel, warehouse structure, logistics solutions (transport network) and other relevant information.</p>
<p>The contractor shall have the sufficient competence to execute the delivery.</p>	<p>Description of education and experience of the personnel available to the contractor to execute the contract, e.g. performing service and maintenance of equipment where this is relevant.</p> <p>CVs are not requested in this connection.</p>
<p>The contractor must have a good and efficient quality assurance system.</p>	<p>Description of the contractor's quality assurance methods.</p> <p>If the contractor is certified pursuant to ISO 9001 or equivalent standards, it is sufficient to submit a copy of a valid certificate.</p>
<p>The contractor must have a good environmental management system.</p>	<p>Description of environmental management measures that are implemented in the business.</p> <p>If the contractor is certified pursuant to ISO 14001 or equivalent standards, it is sufficient to submit a copy of a valid certificate.</p>

5. Assessment qualification

5.1 Implementation of the qualification phase

The Contracting Authority will consider whether the qualification requirements in clause 4 are fulfilled on the basis of the documentation delivered by the contractors together with the request for participation in the tender.

Contractors that do not fulfil one or more qualification requirements will be excluded from the tender.

6. Submission and request for participation in the tender

6.1 Submission of requests

All requests for participation shall be submitted electronically in Mercell within the deadline stated in clause 2.3.1.

The contractor may, before the expiry of the deadline to submit requests, make amendments and submit a new request. The latest submitted request counts as the final one.

6.2 Structure of the request

The request shall contain the following documents:

Section number	Document	Annex
1	Completed request letter	Annex 1
2	Tax certificate	
3	A Declaration of commitment if the contractor is assisted by other entities in order to fulfil qualification requirements to economic and financial capacity and/or technical and professional qualifications	Annex 2
4	Qualification Requirements Compliance Sheet	Annex 5
5	Documentation of fulfilment of the qualification requirements	
5	Any censored request	See clause 3.3

6.3 Request for participation in the entire or parts of the tender

It is not possible to submit requests for participation relating only to parts of the procurement.

7. Closing of the qualification phase

7.1 Notice of exclusion

The Contracting Authority will inform all contractors in writing if their request for participation in the tender is excluded as a consequence of under-fulfilment of the qualification requirements.

The notice will include a justification for why the contractor is not considered as qualified.

If the Contracting Authority finds that exclusion does not correspond to the qualification requirements or the selection criteria, the Contracting Authority can reverse its decision and let the contractor participate in the tender.

7.2 Deadline for request for interim injunction

Request for an interim injunction against the Contracting Authority's decision to exclude a request for participation in the tender must be put forward to the District Court within 15 days calculated from the day after the notice of exclusion was submitted.