



INVITATION TO TENDER

Delivery of transformer for the CO₂ compressor

PART I:

INSTRUCTIONS TO TENDERERS

Delivery of transformer for the CO₂ compressor

TABLE OF CONTENTS

1	INTRODUCTION.....	5
1.1	Definitions	5
1.2	Brief client introduction.....	5
1.3	Purpose and Scope	5
1.4	The Invitation to Tender documents	5
2	SCHEDULE AND DEADLINES	6
3	ADMINISTRATIVE PROVISIONS	6
3.1	Procurement Procedure	6
3.2	Supplier portal.....	7
3.3	Norcem Single Point of Contact	7
3.4	Language.....	7
3.5	Tender conference.....	7
3.6	Update of Tender documents.....	7
3.7	Tendering Costs.....	7
3.8	Errors or vagueness in the Tender documents.....	7
4	WAGES AND WORKING CONDITIONS.....	7
5	USE OF SUBCONTRACTORS	7
6	APPRENTICESHIP PROGRAMME.....	8
7	STEP 1 - REQUIREMENTS TO THE REQUEST TO PARTICIPATE.....	8
7.1	Structure of the request to participate	8
7.2	Amendment and withdrawal of the request to participate	8
7.3	Rejection.....	8
8	FORMAT AND SUBMISSION OF THE REQUEST TO PARTICIPATE	9
8.1	Deadline for delivery of the request to participate.....	9
8.2	Method of delivery.....	9
8.3	Application for qualifications format.....	9
9	QUALIFICATION REQUIREMENTS	9
9.1	About the qualification requirements	9
9.2	Mandatory requirements	9
9.3	Requirements to organisational and legal position	10
9.4	Requirements to economic and financial situation.....	10
9.5	Requirements to technical and professional qualifications	10
9.6	Support from other companies	12
10	EVALUATION OF THE TENDERERS QUALIFICATIONS	12
10.1	Implementation of qualification.....	12
10.2	Notification of selection of qualified tenderers	12
11	STEP 2 - TENDER REQUIREMENTS	13

11.1 Tender structure.....	13
11.2 Alternative tenders	13
11.3 Division of contracts into lots.....	13
11.4 Electronic catalogues and electronic auctions	13
11.5 Reservations and deviations from the procurement documents	13
11.6 Withdrawals of the tender	14
11.7 Rejection.....	14
11.8 Confidentiality	14
11.9 Freedom of Information and transparency.....	14
12 TENDER FORMAT AND SUBMISSION.....	14
12.1 Tender due date.....	14
12.2 Method of delivery and tender format.....	14
12.3 Copy with Censored Confidential Information	14
13 AWARD CRITERIA AND EVALUATION.....	15
13.1 Award criteria.....	15
13.2 Evaluation	15
13.3 Negotiations.....	15
14 TERMINATION OF PROCUREMENT PROCESS.....	15
14.1 Cancellation of the Competition	15
14.2 Notification of the choice of supplier and standstill period	16

1 INTRODUCTION

1.1 Definitions

Table 1: Definitions

Item	Definition
CCS	Carbon Capture and Storage
NCD	Norwegian CCS Demonstration

1.2 Brief client introduction

Client for this project is Norcem AS, organization number 934 949 145.

Norcem AS is the leading manufacturer and supplier of cement in the Norwegian market with two cement plants in Norway. The company has a solid financial foundation and is owned by HeidelbergCement Group with headquarters in Germany.

1.3 Purpose and Scope

This procurement covers the delivery of one new 22/11 kV transformer at the new CCS plant at Norcem Brevik. The transformer shall deliver electric power to the CO₂ Compressor of the new plant.

New CCS plant are planned to be finished Q2-Q3 2024.

1.4 The Invitation to Tender documents

1.4.1 Part I: Instruction to Tenderers

Part I contains procedures and a description of how the procurement process will be carried out until contract award, as well as forms and templates to be used by the supplier in preparing his tender.

Part I includes the following documents:

- This document (Instruction to Tenderers)
- Annex 1: Request form
- Annex 2: Template for declaration of commitment
- Annex 3: Self-Declaration - Supplier Code of conduct
- Annex 4: Tender cover letter

The procurement procedure is carried out in two steps; (1) the qualification/registration step and (2) the submission of tender step. The sections 7-10 of this document "Instructions to Tenderers" are related to the qualification/registration step, e.g. step 1 of the procurement procedure. The sections 11-13 of this document "Instructions to Tenderers" are related the submission of tender step and will only apply to the suppliers who are invited to submit a tender, e.g. step 2 of the procurement procedure. Hence, none of the documents requested in sections 11-13 of this document shall be submitted by a tenderer until requested to do so through an invitation to submit a tender (please see schedule and deadline under section 2 below).

1.4.2 Part II: Draft Contract

Part II includes the draft contract, with its exhibits. The sum of these documents are the agreed requirements from Norcem that Tenderers must fulfil. The draft contract also relates to the submission of tender step.

- Draft Contract Agreement
- Appendix 1: Supplier Code of conduct
- Appendix 2: Specific procurement instructions
- Appendix 3: General purchasing conditions
- Appendix 4: Technical specification
- Appendix 5: Suppliers technical description
- Appendix 6: Prices and payment plan

2 SCHEDULE AND DEADLINES

This procurement will be conducted according to the tentative schedule below. Please note that the schedule may be changed.

Description - IF INTERNAL DEADLINE 19.08.2020	Date/deadline
Step 1 of the procurement procedure	
Announcement on Doffin/TED	25.03.22
Deadline for submitting questions and queries about the tender documents qualification section	08.04.22 at 12:00 CET
Deadline for delivery of the request to participate	25.04.22 at 12:00 CET
Step 2 of the procurement procedure	
Dispatch of Invitation to Tender The estimated time for dispatch of Invitation to Tender to qualified applicants is:	29.04.22
Deadline for submitting questions and queries about the tender documents, tender section	16.05.22 at 12:00 CET
Tender due date	24.05.22 at 12:00 CET
Negotiations Negotiations with selected tenderers is scheduled to take place in the period of:	Week 22 - 23 2022
Contract Award	Week 24 2022
Contract signing	Week 25 2022
Validity date for tender:	24.08.22

3 ADMINISTRATIVE PROVISIONS

3.1 Procurement Procedure

This procurement is carried out in accordance with the Norwegian Law of 17 June 2016 no. 73 on Public Procurements (LOA) and Regulation of 12 August 2016 no. 974 on Public Procurements (FOA).

The procurement is carried out as a negotiated procedure with prior publication in accordance with FOA Parts I and III. This procedure gives all interested suppliers the opportunity to submit a request to

participate in the tender procedure (step 1). Only the suppliers who are then invited by the purchaser can submit a tender (step 2).

3.2 Supplier portal

This entire competition will be conducted in the supplier portal from Mercell.

3.3 Norcem Single Point of Contact

Contact with Norcem AS takes place through the question and answer function in Mercell. Any questions the suppliers may have, must be promoted within the deadlines stated in Mercell.

As a general rule, submitted questions and answers will be made available to all tenderers who have registered with Mercell for this procurement. The identity of the tenderer having raised the question will not be disclosed.

3.4 Language

All written and oral communication in connection with this competition must take place in Norwegian or English. The language requirement also applies to the tender itself.

3.5 Tender conference

A tender conference will not be held.

3.6 Update of Tender documents

Norcem has the right to make corrections, additions and changes to the tender documents that are not substantial. Norcem will communicate corrections, additions and changes to the tender documents, so they are available for all tenderers simultaneously.

Any corrections, supplements or changes to the Tender Document will be published through the supplier portal Mercell and registered tenderers will automatically receive a notification.

3.7 Tendering Costs

Norcem will not reimburse costs that tenderer incurs in connection with preparation, delivery and follow-up of the tender. This also applies in case of cancellation according to clause 14.1.

3.8 Errors or vagueness in the Tender documents

If the tenderer finds errors or vagueness in the Tender documents, the tenderer is obliged to give an immediate notice to Norcem through the supplier portal Mercell.

4 WAGES AND WORKING CONDITIONS

This procurement comprises services or building and construction work in accordance with Regulations of 8 February 2008 no. 112 concerning wages and working conditions in public contracts. Specific requirements and authorities apply in this connection, cf. part II contract provisions.

5 USE OF SUBCONTRACTORS

Certain specific terms and limitations apply for subcontracting of the works in accordance with the terms of the draft contract.”

6 APPRENTICESHIP PROGRAMME

Norcem can require that tenderers are attached to an apprenticeship scheme, and that one or more apprentices participate in the work connected with implementing the contract. This will be regulated in the contract where it is relevant to this procurement.

7 STEP 1 - REQUIREMENTS TO THE REQUEST TO PARTICIPATE

7.1 Structure of the request to participate

The request to participate shall include the following documents:

- Completed Request form (Annex 1)
- Completed declaration of commitment (Annex 2) where applicable
- Completed Self declaration – Norcem's code of ethical conduct for suppliers (Annex 3)
- Documentation of Qualification Requirements according to section 9.
- Completed European Single Procurement Document (ESPD) in the supplier portal Mercell

7.2 Amendment and withdrawal of the request to participate

The request to participate may be withdrawn or changed prior to the deadline through the supplier portal Mercell.

7.3 Rejection

The rules for rejection set out in FOA § 24 will apply for this competition. The supplier is advised to become familiar with these rules. The supplier is asked to disclose if they have accepted a writ regarding any of the punishable offenses listed in FOA § 24-2, second paragraph.

7.3.1 National grounds for rejection

In accordance with part III of the ESPD: Grounds for rejection, section D: 'Other grounds for rejection that are laid down in the national legislation of the Purchaser's member state'. The Norwegian procurement rules go beyond the grounds for rejection stated in the EU directive on public procurement and in the standard ESPD form. All the grounds for rejection contained in FOA § 24-2 are applicable to this competitive tender, including the grounds for rejection that are purely national.

The following grounds for rejection in FOA § 24-2 are purely national grounds for rejection:

1. FOA § 24-2 states that «the Purchaser must reject a supplier when they are aware that the supplier has been legally convicted or has accepted a penalty for one of the following criminal offences:

- a) participation in a criminal organization
- b) corruption
- c) fraud
- d) terrorist actions or punishable actions related to terrorist activities
- e) white washing of money or financing or terrorism
- f) child labour and other forms of human trafficking.

The requirement that the Purchaser must reject suppliers that have accepted a penalty for the specified criminal offences is a special Norwegian requirement.

2. FOA § 24-2(3) letter i states that «The Purchaser may reject a supplier [...] when the Purchaser can document that the supplier otherwise has committed serious errors that lead to doubts about the professional integrity of the supplier.».

The grounds for rejection in the ESPD form only concern serious errors of professional conduct, while the Norwegian grounds for rejection also include other serious errors that may lead to doubts about the professional integrity of the supplier.»

8 FORMAT AND SUBMISSION OF THE REQUEST TO PARTICIPATE

8.1 Deadline for delivery of the request to participate

The request to participate shall be received by Norcem AS at the latest by the deadline of the request to participate stated in supplier portal Mercell.

The deadline for delivery of the request to participate is final. Requests submitted after the deadline can be rejected.

The tenderer is responsible for the risk of failures or delays in delivery.

Norcem AS encourages all Tenderers to familiarize themselves with the supplier portal prior to delivery of Application and to set up enough time for the online delivery.

8.2 Method of delivery

The tenderer shall upload their request for participation to the supplier portal Mercell.

The European Single Procurement Document (ESPD) shall be completed and delivered directly in the supplier portal by the tenderer.

8.3 Application for qualifications format

Norcem requests that:

- The files are named so that the file name reveals the file content
- The tender file formats shall be MS Office, XML, PDF or other common open file formats.
- In addition, all files are to be delivered in a non-editable format

9 QUALIFICATION REQUIREMENTS

9.1 About the qualification requirements

To be invited to submit a tender in the competition, the supplier must fill out the European Single Procurement Document (ESPD) to substantiate that he fulfils all of the qualification requirements listed below. The supplier shall do this by filling out the ESPD-form electronically in the supplier portal (Mercell).

All suppliers must also document fulfilment of the qualification requirements according to the documentation requirements as listed below.

The suppliers are responsible for delivering all documentation listed below as documentation for the qualification requirements. Lack of documentation or insufficient information may lead to rejection of the tenderer according to FOA § 24-2.

9.2 Mandatory requirements

REQUIREMENT	DOCUMENTATION REQUIREMENTS
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<p>The tenderer shall fulfil obligations relating to the payment of taxes, VAT or similar payments under the laws of Norway or the relevant State in which the tenderer is established.</p>	<p>A tax certificate, no older than six months calculated from the deadline for delivery of the request to participate. A tax certificate shall be understood as:</p> <p>For Norwegian tenderers:</p> <ul style="list-style-type: none"> • A certificate for tax and value added tax, issued by the tax collector's office <p>For foreign tenderers:</p> <ul style="list-style-type: none"> • Foreign tenderers must have corresponding certificates from their authorities documenting that they have complied with the rules and regulations relating to taxes, VAT, fees, duties etc. If the authorities do not issue applicable certificates, the tenderers shall submit a statement confirming that all such taxes have been paid. The statement shall be confirmed and signed by the tenderer's chief financial officer and auditor.
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9.3 Requirements to organisational and legal position

REQUIREMENT	DOCUMENTATION REQUIREMENTS
<p>The tenderer shall be a legally established company.</p>	<p>For Norwegian tenderers:</p> <ul style="list-style-type: none"> • Company certificate of registration. <p>For foreign tenderers:</p> <ul style="list-style-type: none"> • Confirmation that the tenderer is registered in a trade register or a register of business enterprise in accordance with the laws of the state where the tenderer is established.

9.4 Requirements to economic and financial situation

REQUIREMENT	DOCUMENTATION REQUIREMENTS
<p>The tenderer shall have sufficient economic strength to be able to fulfil the contract.</p>	<p>The tenderer's annual accounts including notes with the directors' report and auditor's report from the last three years.</p> <p>If the annual accounts for the previous year have not been finalised by the expiry of the tender deadline for this request for tender, the preliminary annual accounts for the previous year shall be attached in addition.</p> <p>Tenderer reserves the right to obtain a credit rating. Economic strength is assessed according to turnover, net profit ratio, financial strength and liquidity.</p>

9.5 Requirements to technical and professional qualifications

Technical and professional qualification	DOCUMENTATION REQUIREMENTS
<p>Capacity and qualifications</p>	<p>Present the tenderer's business idea and core competence related to the Scope of Work.</p>

<p>The tenderer shall have the capacity to fulfil the contract (i.e., adequate staffing and necessary expertise).</p>	<p>Overview of tenderer's history, organization and ownership, as well as today's business (Organization chart may be attached)</p> <p>Description of how the tenderer is organized to fulfil this contract.</p> <p>Max number of 3 pages in total.</p>
<p>Experience</p> <p>The tenderer shall have documented relevant experience</p>	<p>The tenderer shall submit a list of maximum 5 attestations from similar deliveries from the last 5 years.</p> <p>Relevant experience with deliveries to the cement industry and/or other process technology will be evaluated positively.</p> <p>The attestations shall be signed or confirmed in writing by the principal for the different deliveries and shall at least contain:</p> <ul style="list-style-type: none"> • Short description of the work performed under the relevant contract. • Purchasing company/contractor • Time for performance of the contract. • The economic value of the contract scope. • Name, telephone number and e-mail address to a reference person at the purchasing company/contractor. <p>If a signed or verified attestation is not possible, the tenderer must provide a list of relevant assignments with description according to the above paragraphs.</p> <p>Norcem reserves its right to contact the references listed by the tenderer.</p> <p>Max 2 pages per reference project</p>
<p>Quality and risk management</p> <p>The tenderer shall have and operate a good and efficient quality assurance system.</p>	<ul style="list-style-type: none"> - Description of the scope and structure of the tenderer's quality management system. - ISO 9001 certificate or equivalent, as well as explain which part of the company and subcontractors are covered. <p>Instead of certificate, other documentation may be accepted for an equivalent quality assurance system. In that case, Norcem AS requires information about the system name and a detailed table of contents, as well as an explanation of how the system is used in practice. The description shall include at a minimum:</p> <ul style="list-style-type: none"> • Organizational Charts • Competency Management • Supplier management • Access Control • Internal control systems and procedures • Change Management

Norcem AS – Delivery of transformer for the CO2 compressor
Instructions to tenderers

	<ul style="list-style-type: none"> Documentation and traceability
	<ul style="list-style-type: none"> - Typical Quality Plan for a similar or comparable project.
Environmental Management The Tenderer shall have and operate a good and functioning Environmental Management System that meets the requirements of ISO: 14001 or equivalent	<ul style="list-style-type: none"> - Description of the scope and structure of the tenderer's environmental management system <ul style="list-style-type: none"> ISO 14001 certificate or equivalent, as well as description of which part of the company is covered <p>Instead of certificate, other documentation may be accepted for an equivalent environmental management system. In that case Norcem AS requires information about the system name and a detailed table of contents, as well as an explanation of how the system is used in practice. The description should minimum include:</p> <ul style="list-style-type: none"> Overview of the impact the company has on the environment Overview of the environmental requirements for the company Overview of methods for conducting conformity assessment

9.6 Support from other companies

The supplier can choose to rely on other companies' capacity in order to fulfil the requirement regarding the supplier's economic and financial status or technical and professional qualifications. «Other entities» may be construed as parent company, cooperation partner, subcontractor or similar.

The supplier must in such case state the requirements for which he chooses to rely on a supporting company's capacity. In addition, the supplier must submit a procurement document (ESPD) completed by the companies he will rely on. When submitting the ESPD, the supporting companies confirm that the relevant requirements are met by the main supplier and the supporting company, jointly. In addition, the supporting companies confirm that they are not subject to any ground for rejection and that they independently meet requirements 9.2 and 9.3. Other requirements to document fulfilment of the qualification requirements that appear from section 9.1 also apply.

Furthermore, the supplier must prove that he will have the necessary resources from the supporting company at his disposal during the contract period by for, example, presenting a declaration of commitment, guarantee, cooperation agreement or similar.

This applies independently of the legal status of the relationship between the companies, i.e. that the supporting companies can either be the supplier's parent company, another company in the same group, a cooperation partner or similar.

10 EVALUATION OF THE TENDERERS QUALIFICATIONS

10.1 Implementation of qualification

Norcem will evaluate submitted requests to participate in the competition according to the qualification requirements set out in section 9. Tenderers who do not meet the qualification requirements will be rejected from the competition.

10.2 Notification of selection of qualified tenderers

Norcem will inform the relevant tenderers in writing if the request to participate is rejected or not found good enough for the tenderer to be allowed to submit a tender in the procurement process.

The notification will include the reason why the tenderer is not considered to be qualified, or why the tenderer was not successful in the qualification round.

A petition for preliminary injunction against Norcem's decision to refuse or reject a request to participate in the tender process must be presented to the district court within 15 days calculated from the day after Norcem notification was sent, cf. FOA § 8-16.

If Norcem finds that the qualification evaluation does not correspond with the qualification requirements, Norcem can reconsider the qualification evaluation and allow a tenderer who should rightfully have been invited to submit a tender to participate in the tender step. In such case, Norcem may extend the number of tenderers correspondingly.

11 STEP 2 - TENDER REQUIREMENTS

11.1 Tender structure

The Tender shall contain the following documentation, and shall be structured in separate documents as follows:

Document structure:	Content requirements:
Tender cover letter (Part 1 Annex 4)	Must be signed by an authorised person and be modelled according to Annex 4.
Draft Contract	The tenderer shall submit a fully completed draft contract including all exhibits and appendixes. Exhibits and appendixes shall be submitted in separated files and be named with the exhibits/appendixes names.
Copy with Censored Confidential Information	The Tenderer must submit a Copy with Censored Confidential Information according to section 12.3.

11.2 Alternative tenders

In addition to the requested Tender, Tenderer may propose alternatives for technical solutions as well as delivery in order to reduce cost or delivery time. However, alternative tenders must fulfil all the mandatory requirements set out in the tender documents and will not be evaluated if the Tenderer has not answered Norcem's invitation to tender completely.

11.3 Division of contracts into lots

Tenderer must submit a tender for the complete scope of work.

11.4 Electronic catalogues and electronic auctions

Norcem will not use electronic auctions.

11.5 Reservations and deviations from the procurement documents

Substantial reservations and deviations will result in the tender being rejected.

Reservations and amendments shall be stated precisely and clearly, so that the purchaser can evaluate the tender without contacting the supplier. Reservations and amendments shall clearly and unambiguously refer to the relevant annex and section in the tender document and shall be stated in the tender form.

The supplier shall clearly specify the consequences any of its stated reservations and amendments have for the performance, schedule, quality, price and/or other aspects of the tender.

11.6 Withdrawals of the tender

A tender may be withdrawn or changed prior to the tender due date. Withdrawal is done in the supplier portal. Any changes made to the tender, will be considered as a new tender.

11.7 Rejection

The rules for rejection set out in FOA § 24 will apply for this competition. The supplier is advised to become familiar with these rules.

11.8 Confidentiality

Both tenderers and Norcem have a duty to prevent others from gaining access to knowledge or information made available through the tendering process, which may be of competitive significance, by utmost secrecy regarding to the information concerned.

11.9 Freedom of Information and transparency

In accordance with Freedom of Information Act § 23, the procurement process is subject to public scrutiny. After the award of contract has been made, the tender, contract and protocols are initially open to inspection. Nevertheless, there are some exceptions to the right of access in public law. Of these exceptions, the exception is for access to information subject to confidentiality by law or pursuant to law, cf. § 13 of the Public Procurement Act, cf. § 13 of the Public Administration Act. Tenderers must upon request provide in the application for qualification and tender form an overview of what information they believe is excluded transparency and sign self-declaration that the principal is exempt from confidentiality if information that is not specifically identified as confidential in the tenderer's listing. In case of access, Norcem AS shall independently consider the extent to which the information is such that Norcem AS is obliged to refuse access, cf. Public Procurement Act § 29.

Norcem AS is obliged to comply with the principle of transparency, cf. § 11 of the Public Procurement Act.

12 TENDER FORMAT AND SUBMISSION

12.1 Tender due date

The tender shall be submitted in the supplier portal at the latest by the tender deadline specified in section 2, or updated dates in the supplier portal Merzell.

The tender deadline is final. Tenders submitted after the deadline will be rejected.

The supplier is responsible for the risk of failures or technical problems related to its submission.

12.2 Method of delivery and tender format

The tender shall be submitted in electronic format in the supplier portal Merzell.

In order to simplify the review and evaluation of the tenders, the purchaser requests that:

- The files are delivered in PDF format
- The files are named so that the file name reveals the file content

12.3 Copy with Censored Confidential Information

Tenderer shall submit a complete tender where information, which may be exempt for public disclosure under the Regulations for public procurement § 7-4 and Act no. 16 of 19 May 2006 (Freedom of Information Act) § 13, relating to public access to documents in the public administration, is censored. Such censored tender shall be in electronic format.

In the event of a demand for access being made, Norcem shall make an independent appraisal of whether the information in question is such that Norcem is obliged to refuse access, cf. Freedom of Information Act § 29.

13 AWARD CRITERIA AND EVALUATION

13.1 Award criteria

Norcem AS will award the contract to the tender with the best cost-quality ratio, based on the following award criteria:

AWARD CRITERIA	DOCUMENTATION	WEIGHT %
Technical and functional solution	The supplier shall submit a description of the proposed solution's technical and functional details. The description shall be included in Appendix 5.	15
Delivery time	The supplier shall describe their guaranteed delivery time at Norcem's facilities in Brevik. The description shall be included in Appendix 5.	15
Total costs	All prices shall be stated in NOK ex. VAT. To be included in Appendix 6.	70

13.2 Evaluation

All tenders will be evaluated with a score, 6 being highest and 0 being the lowest. A relative evaluation model will apply, scoring price/cost and quality. The supplier with the highest total score will win the competition.

13.3 Negotiations

Negotiations will be carried out in accordance with the regulations in FOA §§ 23-7 and 23-10.

The negotiations may be carried out in several phases and purchaser reserves the right to reduce the number of tenders to be negotiated, cf. FOA § 23-11. The first reduction can be made in advance of the negotiations. The reduction will be made based on the stated award criteria.

Once the negotiation phase has been completed, the purchaser will base its evaluation on tenders with any amendments from the negotiation phase. The purchaser's evaluation committee will carry out the negotiations and prepare a recommendation as to the choice of supplier(s) according to the award criteria.

A tender may be accepted without preceding negotiation.

14 TERMINATION OF PROCUREMENT PROCESS

14.1 Cancellation of the Competition

Norcem reserves the right to cancel the procurement process if there are factual grounds, cf. FOA § 25-4.

14.2 Notification of the choice of supplier and standstill period

Norcem will simultaneously notify all suppliers in writing, of the decision to award the contract to a named supplier, as soon as a choice of supplier has been made.

The notification will include a reason for the choice and specify the standstill period from when the award is notified until contract signing is planned to be carried out (the formation of contract).

If the purchaser finds that the decision to award the contract is not in accordance with the award criteria, the decision may be annulled until the time when the contract has been entered into.