

Sykehusinnkjøp HF

Organisasjonsnummer 916 879 067

Telefon 78 95 07 00

post@sykehusinnkjop.no

Sykehusinnkjøp HF, Postboks 40, 9811 Vadsø

Invitation to tender

Competitive dialogue – Procurement regulations part III

Laboratory Information Management System (LIMS)

on behalf of

The Norwegian Doping Control Laboratory, Oslo University
Hospital Trust



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1 General information

This competition is conducted by Sykehusinnkjøp HF (Client), on behalf of The Norwegian Doping Control Laboratory (NLD) at Oslo University Hospital Trust (Customer).

Sykehusinnkjøp HF is owned by the four regional health authorities; Helse Sør-Øst RHF, Helse Vest RHF, Helse Midt-Norge RHF and Helse Nord RHF, of which the share is 25 % each. For further information, see www.sykehusinnkjop.no

For the avoidance of doubt *Tenderer* is used as designation regarding suppliers participating in the dialogue. , *Contractor* is used as designation regarding supplier(s) awarded a contract, and *Contracting authority* is used as designation regarding the public authority (Contracting authority on behalf of the Customer) conducting this competitive dialogue.

1.1 Oslo University Hospital Trust

Oslo University Hospital is a highly specialized hospital in charge of extensive regional and local hospital assignments and the provision of high-quality services for the citizens of Oslo. The hospital has a nationwide responsibility for a number of national and multiregional assignments and has several national centers of competence. Oslo University Hospital is the largest hospital in Scandinavia and performs more than 1.2 million patient treatments annually. Oslo University Hospital is a public hospital with more than 20 000 employees. For further information, see www.oslo-universitetssykehus.no

1.1.1 The Norwegian Doping Control Laboratory

The Norwegian Doping Control Laboratory (NLD) at Oslo University Hospital is an ISO-17025 and a WADA-accredited laboratory. NLD analyses doping control samples in sports as well as samples collected outside sports (e.g., Police, Customs, and NCIS). The laboratory has approximately 20 employees. The laboratory's methods are mainly used to detect or quantify doping substances, drugs and growth-promoting substances in sample material (urine, blood and DBS) from humans. NLD has very specific requirements for documentation and control of Chain-of-Custody for doping control samples, including audit trail. These requirements must be covered by the new LIMS.

NLD receives about 6-7000 samples per year, and the samples are analysed by several different analytical methods from different analytical platforms.

For further information, see <https://oslo-universitetssykehus.no/avdelinger/klinikk-for-laboratoriemedisin/avdeling-for-farmakologi/norges-laboratorium-for-dopinganalyse>

1.2 Purpose and scope

1.2.1 Purpose

The objective of this invitation to tender is to acquire a new, modern Laboratory Information Management System (LIMS) that can cover the needs of an ISO-17025 and WADA-accredited



laboratory. The system shall be compliant with WADA's¹ requirements regarding Chain-of-Custody, have a functional ADAMS²-interface for reporting of results and support invoicing of Contracting authorities. The new system should have functionality for two-way communication with the laboratory's instruments.

The solution shall be installed on a virtual server environment provided by the Contracting authority, and function as a solely on-premises solution.

A presumptive budget for the first year, including Implementation of the complete solution + 10 Licenses + Training, is 2 000 000 NOK excl. VAT, and with a yearly cost from year two that includes Support, Maintenance and License cost of max. 120 000 NOK excl. VAT.

1.2.2 Desired functionality and possibilities in the solution

The functionalities described will be discussed in the dialogue, and it may be required that the functionality must be available in the solution prior to signing the agreement.

1. A new Laboratory Information Management System that should be flexible and user-friendly and that meets the following needs for the department:
 - Efficient workflow handling to save time and reduce risk of errors.
 - Full traceability – Chain of Custody – for samples and sub-samples, from Sample reception, throughout the workflow, to long-term storage and disposal of samples, to ensure efficient and quality assured processing of samples.
 - Management of long-term storage of samples
 - Customization of user interfaces and workflows
 - Automatic registration of user information and time stamp throughout the process from sample registration through reviewing and approval steps and reporting.
 - Advanced and flexible tools for statistics and reporting
 - Invoice management; compiling of relevant information and invoice production.
 - All servers and services to be installed locally and not in a cloud solution.
2. Migration of data from existing system into new LIMS
3. User manuals and user training
4. Support during and after implementation of new system

¹ «Laboratory Internal Chain of Custody: Documentation maintained within the Laboratory to record the chronological traceability of custody (by Person(s) or upon storage) and actions performed on the Sample and any Aliquot of the Sample taken for Analytical Testing.» International Standard for Laboratories (ISL) 2021: <https://www.wada-ama.org/en/resources/world-anti-doping-program/international-standard-laboratories-isl#resource-download>

² ADAMS: Anti-Doping Administration & Management System. <https://www.wada-ama.org/en/what-we-do/adams>



1.2.3 Scope

Oslo University Hospital Trust intends to enter into agreements with one Contractor.

1.3 Agreement forms and duration

The dialogue and the subsequent contract will be based on the Norwegian Government's Standard Terms and Conditions for IT-procurements; Agreement governing the delivery of software that is developed or customised for the Customer; SSA-T and Agreement governing the maintenance and servicing of software and equipment; SSA-V.

1.4 Documents

In the qualification phase the contract notice consist of the following documents:

Document	Name	Comments
Attachment 1	Application letter	Template
Attachment 2	Answer form technical and professional qualifications	Please use the template for answering the qualification requirements 5.3.
Attachment 3	Development and Customization Agreement (SSA-T)	General terms of agreement
Attachment 4	Appendices 1-10 to SSA-T	Preliminary requirements
Attachment 4B	Appendix 7B Prices	Draft pricing model covering SSA-T and SSA-V
Attachment 5	Maintenance Agreement (SSA-V)	General terms of agreement
Attachment 6	Appendices 1-10 to SSA-V	Preliminary requirements
Attachment 7	Instructions and justification for redacting offers	Only available in Norwegian
Attachment 8	Declaration of commitment	Only available in Norwegian
Attachment 9	Parent company guarantee	Only available in Norwegian
Attachment 10	Data Processor agreement	Draft, for discussion in dialogue
Attachment 11	Declaration of confidentiality	

During the dialogue phase the Contracing authority will start of the dialogue by issuing a descriptive document to the invited participants.

The descriptive document will be refined during the dialogue phase, based on the participants suggestions.

After the closing of the dialogue the participants may submit their final tender.



The Tender Document may be changed throughout the dialogue phase. The Contracting authority reserves the right to update draft requirements specification and publish other relevant documents together with inviting Tenderers to the dialogue phase.

1.5 Schedule

All dates/times in the dialogue and tender phases are tentative. Relevant Tenderers will be kept updated.

Activity	Date/Week
Qualification phase	
Deadline for asking questions regarding qualification	20/6 2023 09:00 AM
Deadline for submitting application	See Merzell
Assessment of applications received	Weeks 32-33
Notification of the result of the qualification	Week 34
Dialogue phase	
Invitation to submit first solution proposal	TBD
Deadline for submitting first solution proposal	TBD
Evaluation, dialogue, and reference visit/demonstration	TBD
Tender phase	
Invitation to submit final offer	TBD
Deadline for submitting final offer	TBD
Allocation decision and notification to the bidders	TBD
Signing and entering into agreements	TBD

2 Rules for the conducting the procurement

2.1 Procurement procedure

This procurement will be conducted as a competitive dialogue pursuant to Part I and III in accordance with the Public Procurement Act of 17 June 2016 no. 73 and regulations 2016 no. 12 August 2016 no. 974.

The procurement is conducted and divided into three phases: the qualification phase, the dialogue phase, and the tender phase.

In a competitive dialogue, all interested Tenderers may submit a request to participate in the dialogue. Only qualified Tenderers who are invited by the Contracting authority will be able to participate in the dialogue and tender phases.

The Contracting authority plans to invite a limited selection of Tenderers to participate in the dialogue, albeit at least three (3) Tenderers. Any selection among qualified Tenderers will take place based on the qualification applications and the selection criteria that appear in section 6.



In the dialogue phase qualified Tenderers are invited to participate in the dialogue by delivering a first solution proposal. Based on the solution proposals, a first dialogue meeting will be held. In the dialogue, Tenderers are asked to provide input on (parts of) the descriptive document related to the dialogue. The Tenderer's solution proposals and other input will be used to revise the requirement specification and other relevant documents which in turn will be the basis for a new solution proposal. The dialogue ends when the Contracting authority is satisfied with the solutions that have been presented during the dialogue and is ready to finalize the requirements and content of the contract.

The dialogue can be carried out on all aspects of the procurement. The dialogue will be carried out in several phases, and both in writing and orally. Requirements and/or details concerning the award criteria may be added or removed along the way, and the classification of requirements may be changed until the invitation to submit the final offer is sent out.

The Contracting authority reserves the right to decide that one or more of the dialogue phases are used to reduce the number of solutions. Such reduction will be made according to the specified award criteria.

The Contracting authority reserves the right, in whole or partial, to close parts of the Tender Documents for further discussion during the dialogue, typically if there are extensive discussions around individual topics such as contract terms or otherwise.

The Contracting authority will end the dialogue phase and start the tender phase with an invitation to submit a final offer. In the invitation to submit the final tender, all requirements specifications, contract documents, award criteria etc. are final. There is no opportunity to negotiate after final offers have been submitted.

Communication and dialogue during the competitive dialogue will take place in Norwegian or English.

2.2 Communication

All communication during the procurement process shall take place via the communication module in the Merccell portal (<https://www.merccell.com>). This is in order for all communications to be logged. Other communication with persons participating in the decision-making process is not permitted, and inquiries that occur in any other way cannot anticipate an answer. In the event of any questions concerning all providers, the Contracting authority will answer this anonymously to all Tenderers.

2.3 Tax certificate

Upon request, The Contractor shall submit a certification of paid taxes and VAT no older than six (6) months from the deadline for delivering the application. This only applies for Norwegian contractors. A Non-Norwegian contractor are required to provide similar documentation of paid taxes and VAT.

2.4 Pay and working conditions

Regulations concerning pay and working conditions in public contracts shall ensure that employees in companies that perform services and construction work for public contractors have no worse pay



and working conditions than those resulting from applicable general regulations or nationwide collective agreements.

The contract terms relevant in this procurement have regulations that contribute to the employees of the Contractor and any subcontractors who perform work on the contract receiving these minimum conditions.

In accordance with the regulations, we will require the necessary documentation from the Contractor and ensure that the provisions are complied with. In the event of Contractor's non-compliance with the regulations, we will impose sanctions under the contract.

3 Application for participation in competitive dialogue

3.1 General

An application shall be made for participation in the competitive dialogue.

All requests for participation shall be submitted electronically via the Merzell Portal, within the deadline.

3.2 Content and structure of the application

The application should be delivered with file names according to the following structure:

Document	Name
Att 1	Application letter
Att 2a	Documentation related to qualification requirements 5.1 Certificate of establishment
Att 2b	Documentation related to qualification requirements 5.2 Economic and financial capacity
Att 2c	Documentation related to qualification requirements 5.3 Technical and professional qualifications (please use template in Attachment 2 Answer form technical and professional qualifications)
Att 3	Declaration of commitment for supportive businesses (if applicable)
Att 4	Parent company guarantee, bank guarantee etc. (if applicable)
Att 5	Declaration of solidarity responsibility (if applicable)
Att 6	Redacted version of the application (cf. Attachment 7) See also chapter 7.9.

3.3 Language

The request should be written in Norwegian, Swedish, Danish, or English.



3.4 Deadline for requesting a temporary injunction

Deadline for requesting a temporary injunction against the Contracting authority's Contracting authority decision to reject a request to participate in the dialogue or not to select a Tenderer, is 15 days counted from the day after the information was sent, cf. Section 20-7 of the Procurement Regulations.

4 The European Single Procurement Document (ESPD)

4.1 General information about the ESPD-form

The Tenderer shall fill out the ESPD-form as stated in Merccell.

At any time in the competitive dialogue, the Contracting authority may request all or parts of the documentation evidence necessary to ensure that the competitive dialogue is conducted correctly. In this procurement process, the Tenderer must submit all documentation relating to the qualification requirements as part of the application.

4.2 National reasons for rejection

In accordance with 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" states that in this procurement process all the reasons for rejection apply to section 24-2 of the Procurement Regulations, including the purely national reasons for rejection:

- Paragraph 24-2 (2). The Contracting authority shall reject a Tenderer if he is aware that the Tenderer has been legally convicted or has accepted a fine for the specified conditions. The requirement to reject a Tenderer who has adopted fines is a special Norwegian requirement.
- Paragraph §24-2 (3) letter i). The reason for rejection in the ESPD form relates only to serious errors in professional practice, while the Norwegian reason for rejection also includes other serious mistakes that may cause doubt regarding the professional integrity of the Tenderer.

5 Qualification requirements

To be invited to dialogue, interested Tenderers must fill out the ESPD form which states that he meets the qualification requirements. The documentation related to the requirements shall be attached to the application, either directly in the ESPD form or as an attachment to the application cf. section 3.2.

The tenderer must have an organization that is suitable for ensuring that the contractual obligations are fulfilled throughout the contract period. For this reason, requirements are set for economic and financial capacity and for technical and professional qualifications (Qualification requirements). The Tenderer must meet all qualification requirements to have his application for participation in the competition assessed.



5.1 Registrations, authorizations, etc.

Eligibility requirements	Documentation requirements
The Tenderer shall be registered in an enterprise register or a trade register in the state where the bidder is established.	Norwegian companies: Certificate of establishment Foreign companies: Documentation that the company is registered in the register of enterprises, professional register, or a trade register in the state where the Tenderer is established.

5.2 Economic and financial capacity

Requirements	Documentation requirements
The Tenderer shall have sufficient economic and financial solvency to be able to carry out the contractual obligations. The Tenderer must be creditworthy without collateral.	<p>The Contracting Authority will evaluate whether the Tenderer satisfies the qualification criteria in the following way:</p> <ul style="list-style-type: none">• Recent published annual accounts with notes, including auditor's certificate• Income statement and balance last six months if it is more than six months since the last annual account <p>The Contracting Authority will order a rating report from www.solididtet.no or D&B to verify that the provider has sufficient financial capacity.</p> <p>Tenderers must have:</p> <ul style="list-style-type: none">- Nordic Tenderers must have minimum "A" (soliditet.no)- International Tenderers must have minimum "2" in risk indicator (D&B) <p>Tenderers are free to prove his economic and financial standing by any other document, including, for example, a parent company guarantee or a bank guarantee.</p>



5.3 Technical and professional qualifications

Requirements	Documentation requirements
The Tenderer shall have sufficient ability to carry out the contractual obligations.	<ul style="list-style-type: none">• An overview of up to three of the most important and relevant deliveries of similar solutions in the last three (3) years, including information on scope/value, time of delivery, as well as the name of the customer. References from other WADA-accredited laboratories or laboratories with similar accreditation and analyses, e.g., national forensic laboratories, will be particularly positively evaluated; cf. section 6 below.• A description of personnel or technical devices that the supplier has at its disposal to perform the contract and information about relevant academic qualifications.• An overview of the quality assurance policy or measures, i.e., methods and tools for development, test, handover, and deviation management.• A description of how much of the contract, and which parts, are planned to be set aside to sub-contractor(s). <p>Please use the template in attachment 2, "Answer from technical and professional qualifications" to answer this.</p>

5.4 Support from other businesses

If a Tenderer is not able to fulfil the qualification requirements in sections 5.2 and 5.3 on its own, the Tenderer can rely on other businesses to meet the qualification requirements. This applies regardless of the legal association between the Tenderer and the business(es). If a Tenderer wishes to rely on other businesses to satisfy the qualification requirements, the ESPD declaration must be delivered electronically for both the supplier and the business(es) he will rely on. In addition, the Tenderer must deliver a declaration of commitment for each of the businesses, cf. template in Attachment 8. The declaration must specify how and in which areas the company will support the Tenderer.



If the Tenderer relies on the capacity of other businesses to meet the requirements for economic and financial capacity, the business(s) must be solidarity responsible for the performance of the contract. This must be documented by adding a declaration of solidarity responsibility. In the event of support from a parent company, a parent company guarantee must be attached.

This information will not affect the Contractor's contractual responsibility.

6 Selection criteria

Tenderers who meet the qualification requirements set out in chapter 5 and who are not rejected, will be deemed qualified. To the extent that there are sufficient numbers of qualified Tenderers, the Contracting authority will select a limited number of suppliers to participate in the dialogue, albeit at least three (3) suppliers.

Any selection among qualified Tenderers to participate in the dialogue will take place based on an overall evaluation of which qualification applications best meet the following qualification requirements for participation in the dialogue, with the following prioritization:

- **Relevant deliveries and references**
- **Relevant professional qualifications and capacity related to the contract**

The Contracting authority will give the Tenderers who are rejected or not selected a written notification as soon as possible. The notice will contain a brief justification.

7 Solution proposal and offer requirements

The following chapters are primarily applicable to the Tenderers who are qualified and selected to participate in the dialogue and to submit solution proposals and possible tenders. All Tenderers must first apply for participation and then await any invitation to the dialogue. Tenderers who submit an application for participation but are not invited to the dialogue or to submit a final tender, will be notified.

Further information on how the dialogue will take place, including deadlines for the delivery of solution proposals and the submission of final offers, will be sent to selected Tenderers after the qualification phase.

The dialogue is intended for the Customer to be able to adapt their competition documents in the best possible way to meet their needs and at the same time be adapted to the supplier market in the best possible way.

In the first round of dialogue, the Tenderers are expected to demonstrate how the offered solution takes care of the use cases outlined in the customer's requirements specification. More detailed instructions for this demonstration, including content that is expected to be included in the solution for use in the demonstration, will appear from updated competition regulations that are sent to the qualified Tenderers .



General contract terms (SSA-T and SSA-V) including its appendixes, subsequent requirements and price models, will be subject to dialogue.

During the dialogue phase these documents will be refined in order to meet the Contracting authority's requirements.

Any classification of requirements will not be fixed until the end of dialogue. Requirements may be added, redacted, reduced or removed during the dialogue phase. Requirements may be fixed during the dialogue, but at latest in the Contracting authority's invitation to submit final tender.

7.1 Submission of application and offer

Applications for participation in the dialogue, solution proposal and final offer shall be submitted electronically via the Mercell portal, www.mercell.no. The system does not allow the delivery of offers after the deadline set in Mercell.

Contact Mercell Support, tel. 21 01 88 60 or e-mail support@mercell.com for questions related to access to and functionality in the Mercell portal.

It is recommended that the application and offer is submitted well before the deadline. Submitted applications and offers may be changed until the end of the deadline. The most recently submitted application/offer is considered the final one.

7.2 Design and content of the solution proposals and final offer

The design and content of the solution proposals and final offer will be informed in updated Invitation to Tender-document sent to the selected Tenderers during the process.

7.3 Alternative offers

Alternative offers are not accepted.

7.4 Parallel offers

Only one offer per bidder is allowed in this procurement. Parallel offers are not accepted.

7.5 Language

Solution proposals and offers should be written in Norwegian, Swedish, Danish or English.

The contract (standard terms) will be in English.

7.6 Reservations

Any reservations to the Invitation to tender and/or the final invitation to tender must be listed in the Tender letter. The reservations must be clear and understandable in order to make the Contracting authority able to assess these without contacting the Tenderer. Reservations that are considered



substantial will lead to rejection. An offer that includes several minor reservations may be rejected if the reservations in total are substantial. In any case, the Contracting authority has the right to refuse offers with deviations that are not insignificant.

During the dialogue phase, the Contracting authority expects the Tenderers to specify any assumptions related to the latest proposal to achieve an effective process and avoid unnecessary rejections and/or delays late in the process.

Tenderers are encouraged to ask questions prior to submitting application, suggestion or the final tender.

7.7 Validity of the final tender

The final tender is valid and binding for six (6) months following the deadline of the final offer.

7.8 Costs

Tenderers are expected to prepare and submit the tender at their own expense and risk. Costs and expenses incurred by the Tenderer related to the procurement shall be borne by the Tenderer. The Contracting authority undertakes no economic liability for work performed in connection with the Tenderer's participation in the competition.

7.9 Public access to tenders and procurement protocol

Tenders and procurement records can be exempted from public disclosure until the choice of Tenderer is finalized; see § 23, third paragraph, of the Norwegian Freedom of Information Act of 19 May 2006. From this point in time and onwards, access can be requested to these documents, although exceptions may be made for information that is subject to a statutory duty of confidentiality. Typical confidential information is information regarding personal matters and trade secrets (technical devices and procedures, as well as operational or business matters that for competition reasons it is important to keep secret in the interests of the person whom the information concerns).

The Tenderer must submit a redacted version of the application and offer where information regarded as confidential must be black-boxed. See Attachment 6 for guidance regarding redacting documents.

The Tenderer must also submit a separate document according to the template in Attachment 7 to justify the reasons for redacting.

If the application or tender does not contain any information considered as confidential, this must be confirmed in the Application/Tender letter.

7.10 Demonstration/reference visit

It may be appropriate to conduct a demonstration of solution and/or reference visits (digital or physical) during the procurement. This can also become part of the evaluation of the offered



solution. A demonstration can be in the form of a test of the solution to the customer's surveys. Only Tenderers who have a realistic possibility to win the competition, based on a preliminary evaluation, will be eligible for reference visit(s) and/or demonstration. A demonstration will take place in accordance with the principle of verifiability and equal treatment.

The Contracting authority cannot accept solutions that cannot be shown "live".

8 Award criteria and evaluation

The award of the contract will be made based on which offer has the best ratio between price/cost and quality. Final award criteria, sub-criteria and weighting will be decided during the dialogue and no later than in the invitation to submit final offer.

Allocation criterion	Ranking
Quality	1
Price/cost	2

8.1 Elaboration of the award criteria

8.1.1 Quality

Through the competitive dialogue, the components of the quality award criterion will be discussed with the Tenderers. Through the dialogue, other and more detailed quality criteria can be introduced before invitation to submit final offer. For the quality award criterion, the following are assumed to be components:

- Functional requirements (SSA-T and SSA-V)
- Technical requirements (SSA-T and SSA-V)
 - To what extent the LIMS covers the entire needs and support the workflows in the department
 - Flexibility and possibility of customization
- The timeframe of development and implementation
- Support (expected uptime, support availability, response time)

8.1.2 Price/cost

In the dialogue, detailed price appendices will be finalized before the invitation to submit final offers and subsequent evaluation. For the price/cost criterion, the following are assumed to be components:

- Purchase price Customization to support the needs/workflows in the department in the implementation phase and later
- Yearly maintenance cost
- Pricing of integrations in the implementation phase and later
- Version updates
- General support
- Price for support converting of historical data from other digital systems
- Junior and Senior Consultant – hour prices



8.2 Award of contract

A decision on the award of the agreement will be notified in writing to all Tenderers at the same time in a reasonable time before the agreement is signed. The decision will include a justification for the choice of Contractor and provide information about the period before the contract is signed (stand-still period).

The Contracting authority reserves the right at any time to end the competition if there is a factual reason, including if the Contracting authority considers that the answers do not hold sufficient quality, if the solutions and conditions offered are not considered to satisfy the Contracting authority's requirements and needs and/or if the Contracting authority considers that there is insufficient competition between the participating Tenderers within each of the different parts of the acquisition.