NORWEGIAN DEFENCE
MATERIEL AGENCY

Invitation to Pre-Qualification No. 100963

Norwegian Combat Boots

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1 INTRODUCTION

1.1 Invitation to prequalify and procurement procedure

The Norwegian Defence Materiel Agency (NDMA) hereby invites potential candidates to pre-qualify for its procurement of Combat Boots for use in the Norwegian Armed Forces.

The procurement will be carried out as a negotiated procedure with prior publication of a contract notice.

This invitation sets the rules, framework, and procedures for the pre-qualification of candidates. Candidates will have to comply and adhere to the requirements herein. Candidates are responsible for ensuring that all requested documentation is submitted and that all questions and requirements are clearly and unambiguously addressed. Non-compliance may lead to rejection of their request to participate.

1.2 The Contracting Authority

NDMA is the Contracting Authority for the procurement, and NDMA is responsible for carrying out the procurement on behalf of the entities in section *1.3 The Users of the Contract*

NDMA is an agency in the Norwegian Defence Sector, directly subordinate to the Norwegian Ministry of Defence (MoD). NDMA shall ensure that the Norwegian Armed Forces (Armed Forces) and other agencies in the defence sector shall have access to cost-efficient and safe materiel in accordance with adopted long-term plans. NDMA's main tasks are planning, procurement, management, and disposal of materiel for the Armed Forces and other MoD agencies.

Figure 1 NDMA Organisation

More information is available at www.fma.no/en

1.3 The Users of the Contract

The Contracting Authority enters into this agreement on behalf of the MoD and its underlying agencies. Representatives from all agencies are entitled by the Contract.

The MoD's underlying agencies are currently the following:

- the Norwegian Armed Forces
- the Norwegian Defence Estates Agency
- the Norwegian Defence Materiel Agency
- the Norwegian Defence Research Establishment

In addition, the procurement is entered into on behalf of the Norwegian National Security Authority.

The Contracting Authority may transfer the contract to the Armed Forces. If so, all the rights and obligations of the Contracting Authority are transferred to the Armed Forces.

2 THE PROCUREMENT

2.1 Scope of the Procurement

The scope of the procurement includes the following articles:

1. A combat boot without any lining, where the primary user are the conscription soldiers in the Norwegian Armed Forces.

2. Two pairs of insocks

3. Maintenance Equipment

The initial call-off is estimated to be 25.000 pairs with a follow up order of approximately 40.000 pairs. Further the Norwegian Armed Forces is estimated to order combat boots in the range 40.000-50.000 a year for the remaining of the framework-agreement.

For further details about the specification that will be requested later in the procurement process, see Appendix 10, as previously published in the RFI.

2.2 Framework Agreement

The Contracting Authority intends to enter into a non-exclusive framework agreement with a single contractor. Contracts based on the framework agreement will be awarded by application of the terms laid down in the framework agreement.

2.3 Tenders for only parts of the Scope

The procurement is not divided into lots. Tenders for only parts of the scope will be rejected.

2.4 Duration

The duration of the contract will be 4 years from the effective date of the agreement, with the possibility of prolongation of up to 3 additional years.

2.5 Value of the Procurement

The estimated total value of the all procurements under the framework agreement is 490 MNOK excluding VAT.

The Contracting Authority will conduct an initial call-off of a value of MNOK 100.

2.6 Place of Delivery

The place of delivery of the materiel will be Nordkisa, Viken, Norway.

3 ADMINISTRATIVE PROVISIONS

3.1 Procurement Laws and Regulations

The procurement is carried out in accordance with the Act of 17 June 2016 No 73 on public procurement (anskaffelsesloven), and the Regulations of 4 October 2013 No 1185 on defence and security procurement (forskrift om forsvars- og sikkerhetsanskaffelser, FOSA), part I and II.

The Contracting Authority will furthermore carry out the procurement in accordance with its internal instruction of 25 October 2013 No. 1411 Anskaffelsesregelverk for forsvarssektoren, (ARF) part I, II and IV. Chapter 42 applies to the situations described in Industrial Co-Operation. Note, that ARF does not in itself grant any rights to third parties, including any participants of the procurement, cf. ARF § 1-2 (2).

Participants shall take due care of the provisions of the Norwegian Competition Act of 5 March No. 12 according to which cooperation between suppliers may be considered a violation.

3.2 The Procurement Phases

The procurement will be carried out with the following three phases:

- The Pre-Qualification Phase regulated by this Invitation to pre-qualification incl. appendices.
- The Tender Phase regulated by the Invitation to tender, which will be sent to pre-qualified and, where applicable, down selected candidates. The invitation will elaborate the terms and conditions in the Invitation to pre-qualification and contain draft contract documents.
- The Delivery Phase regulated by the contract documents

The negotiated procedure will take place in successive stages. The Contracting Authority reserves the right, after each stage, to reduce the number of tenders to be negotiated. Furthermore, it may make an initial reduction prior to the negotiations. Any reduction will be made by applying the award criteria on the submitted tenders.

3.3 Procurement documents

The Invitation to Pre-qualification

The Invitation to pre-qualification consists of the following documents:

Document	Name of the document
Main document	Invitation to pre-qualification (this document)
Appendix 1	Request to participate (template)
Appendix 2	Declaration of Commitment from entities on which the candidate relies to fulfil qualification requirements (template)
Appendix 3	Form for groups of economic operators submitting a joint request to participate (template)
Appendix 4	Ethical guidelines for contact with business and industry in the defence sector
Appendix 5	Ethical statement for suppliers to the Royal Norwegian Ministry of Defence with underlying agencies

Appendix 6	Prudence, Non-disclosure and Conflict of Interest
Appendix 7	Self-declaration (template)
Appendix 8	HMS for Norwegians HES for non-Norwegians
Appendix 9	Compliance Matrix ISO9001:2015
Appendix 10	Preliminary scenarios
Appendix 11	AQAP 2131 Edition C Version 1
Appendix 12	Response sheet QR4-1 and QR4-2

3.4 Procurement schedule

The Contracting Authority plans to carry out the pre-qualification phase in accordance with the following time schedule:

ACTIVITY	DATE
Dispatch of Invitation to pre-qualification	28.09.2023
Deadline for submission of questions to the Invitation to pre-qualification	27.10.2023
Deadline for submission of requests to participate	**03.11.2023 at 12.00 AM Oslo time**
Notification of pre-qualification results to rejected / non-selected candidates	06.12.2023
Deadline for application for preliminary injunction	15 days from notification of pre-qualification result

All dates are tentative except for the deadline for submission of the request to participate which is fixed.

The Contracting Authority plans to carry out the tender phase in accordance with the time schedule below. All dates are tentative.

ACTIVITY	Date
Invitation to tender is sent to pre-qualified candidates	15.12.2023
Deadline for submission of questions to the Invitation to tender	11.03.2024
Deadline for submission of tenders	**18.03.2024**
Evaluation phase	Week 12-16
Deadline for application for preliminary injunction	15 days from notification of evaluation result
Invitation to deliver test materiel	Week 17
Deadline delivery of test materiel	05.08.2024

Test period	August 2024 – June 2025
Invitation to negotiations	September 2025
Notification of contract award	November 2025
Standstill period	Minimum 10 days from the day following contract award
Contract signing	December 2025
Tender validity date	June 2026
Deliveries initial call-off	2026-2027

3.5 Communication

Mercell is the digital platform for the execution of the competition.

If not otherwise explicitly stated herein and/or stated by the Contracting Authority, communication is conducted through Mercell. This includes registration for the competition, submission of the request to participate and initial tenders.

3.6 Questions and Changes to the Procurement Documents

Candidates are encouraged to review the Procurement Documents carefully and notify the Contracting Authority without undue delay of any errors, ambiguities, or inconsistencies it finds. Errors, ambiguities, or inconsistencies that a diligent potential candidate should have discovered when reviewing the Procurement Documents, cannot later be invoked as a basis for claims against the Contracting Authority.

Potential candidates may ask questions to the Procurement Documents. Such questions are submitted in writing at Mercell within the deadline in Section *3.4 Procurement schedule*. Questions should be asked in a manner that is easy to reframe to all potential candidates in an anonymous manner.

Questions and answers will be made available to all who has signed up as interested in the procurement in Mercell. Questions are strived to be given in an anonymized form. However, the potential candidate carries the risk for the questions not being reframed in an ideal manner. The Contracting Authority will, if relevant, provide answers in the form of updated and or/supplementary documents, enhanced descriptions and clarifications.

The Contracting Authority also reserves the right to make other corrections, additions, and changes to the Procurement Documents. All changes etc. will be made available in Mercell.

Updated versions of the Procurement Documents will be made available in Mercell, and participants shall adhere to the latest available version. To receive notifications of changes etc. in the Procurement Documents, the candidates must register their intent to participate in the procurement portal.

3.7 Language

The language requirement for this procurement is English and/or Norwegian. Original documentation can be submitted in other languages as long as they are submitted together with an admissible translation. The Contracting Authority may require any documents and/or

information not meeting the language requirement to be translated in full length at the participants cost.

3.8 Variants

Variants are not accepted.

3.9 Award Criteria

The contract will be awarded to the most economically advantageous tender from the viewpoint of the Contracting Authority.

The criteria are presented in descending order of importance.

The criteria representing the most economically advantageous tender is:

Pos.	Criteria representing the most economically advantageous tender	Weight
10	Functionality - Technical solutions - Functional characteristics - Quality - Environmental characteristics	60 %
20	Price	30 %
40	Delivery time	10 %

3.10 Cost of Participation etc

Participants carries their own costs in connection with any participation in the procurement, with the exception of test materiel for the test period.

3.11 Place of Meetings

Meetings relating to this procurement procedure will primarily take place in the Oslo area and/or electronically. This with exception of negotiations and quality assessment, which will be held at Contractors facilities.

3.12 Duty of Confidentiality and Public Access to Information

3.12.1 Duty of Confidentiality

All participants and their representatives shall protect confidential information made available to them in connection with the procurement.

3.12.2 Public Access to Information

For the general public's access to documents relating to a public procurement, the Freedom of Information Act of 19 May 2006 No. 16 and the non-disclosure regulation in the Public Administration Act of 10 February 1967 apply.

Pursuant to the Norwegian Freedom of Information Act section 23, paragraph 3, tenders, including request for participation, and procurement protocols are considered public documents after the contract award. Information considered trade secrets is, however, exempt from public access pursuant to the Freedom of Information Act section 13, cf. the Norwegian Public Administration Act section 13 and FOSA section 3-4.

The candidate may enclose a redacted version of the request to participate where contents considered confidential such as trade secrets, personal sensitive information etc. are redacted. The redacted version should be accompanied by a list of the redacted contents and a short account as to why the contents is considered confidential.

Irrespective of the candidate's own classification of the information, the Contracting Authority is nevertheless obliged to conduct an independent assessment of the information and exempt information from public access only by statutory authority.

3.12.3 Collaboration with other competent Authorities and independent third parties

Participation in the procurement grants the Contracting Authority the right to share any submitted information with other national authorities to the extent the Contracting Authority finds it needed, to carry out the procurement. Furthermore, information may be shared with competent Authorities in connection with government audits, controls and/or checks etc.

The defence sector may collaborate with competent official bodies in the State in which the candidate is established, subject to that body's agreement with the competent Norwegian authority.

The Contracting Authority may collaborate with third parties such as accredited laboratories, auditors, law firms etc. to the extent necessary to promote due diligence, and the Contracting Authorities rights and obligations under the contract.

3.13 Ethical guidelines

NDMA and all employees in the defence sector shall act in accordance with good business practice and pursue the highest ethical standards throughout all stages of the procurement. Likewise, the Contracting Authority expects that all participants adhere to good business practice and pursue the highest ethical standards. Reference is made to Appendix 4 Ethical guidelines for contact with business and industry in the defence sector and Appendix 6 Prudence, Non-disclosure and Conflict of Interest. The candidate shall in its Appendix 7 Self-Declaration, confirm that it accepts and complies with the requirements therein.

4 PRE-QUALIFICATION REQUIREMENTS

4.1 Groups of economic operators

Groups of economic operators may request to participate as a candidate in the procurement. Still, all members will individually have to comply with the following pre-qualification requirements:

- PQR 1 concerning legal position and enrolment in trade registers etc and
- PQR 2 concerning payment of taxes and VATs

Groups are required to deliver the following particulars in their request to participate:

- Appendix 3 – Form for group of economic operators COMING TOGETHER TO PRE-QUALIFY FOR THE PROCUREMENT

Appendix 7 – Self-Decleration of the groups will be jointly liable for the execution of the contract. Furthermore, they may be required to take on a specific legal form if the Contracting Authority finds it necessary for satisfactory performance of the procurement. A signed cooperation agreement will be required in the tender phase.

4.2 Reliance on the Capacities of Other Entities

Candidates may rely on the capacities of third parties to meet the following pre-qualification requirements:

- pre-qualification requirements in section *4.3.2 Requirements Concerning the Candidate's Economic and Financial Standing* and *4.3.3 Requirements Concerning the Candidate's Technical and Professional Ability*,

Note, however that the candidates may not rely on the capacity of third parties to meet the other pre-qualification requirements, which will have to be met by the Candidate himself.

Where candidates relies upon the capacity of third parties, he will have to submit Appendix 2 – Declaration of Commitment from entities on which the candidate relies upon to fulfil pre-qualification requirements in his request to participate. Note, that the candidate and the supporting entities will have to submit and adhere to the principles stated therein.

Supporting entities' will have to comply with the requirements of QR1, QR2 and QR 5.

4.3 The Requirements

4.3.1 Requirements Concerning the Candidate's Organisational and Legal Position

No.	Qualification requirement	Documentation requirements
QR1	The candidate shall be a legally established company, registered in a professional, trade or business register in its state of origin or establishment.	Current certificate of registration. <u>For Norwegian candidates:</u> - Certificate of Registration (firmaattest) <u>For foreign candidates:</u> Documentation that the Candidate is registered in a trade register or a register of business enterprise in accordance with the laws of the country where the Candidate is established. If such registration is not required in the candidate's country of origin, a self-declaration that this is the case.

4.3.2 Requirements Concerning the Candidate's Economic and Financial Standing

No.	Qualification requirement	Documentation requirement
QR2	The Candidate shall have fulfilled its obligations relating to the payment of taxes in accordance with the legal provisions of the country in which it is established	Tax certificate no older than 6 months form the date of submission. - For Norwegian candidates this means that a Certificate of tax and VAT, Form RF 1316 from Skatteetaten (skatteattest) shall be submitted. For foreign candidates, a certificate issued by the competent authority in the state concerned shall be submitted. If the state does not issue such certificates, it may be replaced by a self-declaration which confirms that all taxes and duties are paid. The

		declaration must be approved and signed by the candidate's CFO/Financial Manager
QR3	The candidate shall have the necessary economic and financial standing to perform the contract, including positive equity and satisfactory operating margin and liquidity ratio. In addition, The candidate shall have an overall turnover of minimum 6 MNOK each of the last three years.	- A statement of the candidates overall turnover and of turnover in the area covered by the contract, for the last three financial years available insofar as information on such turnovers is available. - Any other information that is relevant to the candidate's financial condition or accounting information (plans for demerger/merger, capital, reduction/debt structures not accounted for in financial statement, etc.). - Auditor statement about the Candidate`s operations If, for any valid reason, the candidate is unable to provide the requested documentation, it may prove its economic and financial standing by any other document which the Contracting Authority considers appropriate.

4.3.3 Requirements Concerning the Candidate's Technical and Professional Ability

No.	Qualification requirement	Documentation requirement
QR4-1	The Candidate should have experience from similar deliveries of leather boots. Please use Appendix 12 for answers.	A brief description of the three most relevant assignments from the last six years. If more than three assignments are presented, the Purchaser will evaluate the three latest assignments. The description is expected to include: - Product similarity (Appendix 10). - Operational environment similarity (Appendix 10). - Lead time. - Customer (mil/civ). - Number of products delivered. - The value of the assignment. - The time at which deliveries was carried out. - The recipient (name, phone number, e-mail address) for verification purposes. If available, please provide data sheet for relevant products. Relevance may be rewarded higher than value and quantity.
QR4-2	The Candidate should have the necessary technical professionals.	NDMA will ensure that the Candidate possess a range of technical capacities to produce high-quality combat boots in leather that is intended to use all year (Appendix 10).

	Please use Appendix 12 for answers.	Present a brief description (maximum one A4 page per presented personnel) of the technical personnel and other professionals involved in the team. The description is expected to include, but not limited to: Place of employment, length of employment, education, working experience, experience in similar projects. If the personnel do not belong directly to the Candidate, state and document the connection and form of cooperation to the Candidate. The technical personnel and other professionals presented, is expected to include, but not limited to: **Design and development expertise**: Footwear engineers and other skilled professionals capable of developing boots that are ergonomic, durable and optimized for the specific requirements of military boots made of leather. **Expertise in last development and assessment:** How do the contractor ensure population coverage and the differences in anatomy and biomechanics? **Material sourcing and knowledge:** Professionals with solid understanding of different leather qualities and other materials used in relevant boot construction. **Sole unit engineering:** Expertise in sole design, construction and chemical compounds, etc. (bottom assembly) **Testing facilities:** In-house professionals and testing equipment and collaboration with recognized test laboratories. **Production management:** Key roles in production management. **Point of contact (POC):** The technical professional that will be the point of contact regarding the contract. **Other professionals:** Pattern making professional/Environmental professional/Product quality controller/Etc. The list is not exhaustive. A solid and durable organisation with a wide range of knowledge may be rewarded with a higher score then a less solid organisation.

4.3.4 Requirements Concerning Quality Management Systems

It is important for the Norwegian Defence Materiel Agency (NDMA) to have confidence in that the Candidate will be able to fulfil the contractual requirements regarding, performance, time, and cost, and thus the importance for the Candidate to have established, implemented and maintained a Quality Management System (QMS) according to the required standards, and with relevant scope for the products and/or services to be provided. Candidates that apply for pre-qualification in order to qualify for the bidding process for a contract, are in many cases Sales agents, distributors and not the original equipment manufacturer (OEM) of the products and/or services to be delivered in the contract. It is important for NDMA to ascertain that the products that shall be used by the Norwegian Armed Forces are designed, developed and produced under controlled conditions based on an efficient QMS, in order to be sure that the products will work in use and be safe for the users. In some instances, the Candidate will purchase the products and/or services through a Distributer, whom in turn will purchase the products and/or services from the OEM. Therefor is it necessary for NDMA to ascertain that the QMS requirements are applicable for all the entities in the supply chain.

	Qualification requirement	Documentation requirements
QR5-1	The Candidate shall have established implemented and maintained a QMS that complies with the requirements of ISO9001:2015.	The Candidate shall enclose a copy of an ISO 9001:2015 certificate issued by an accredited third party certification body with a scope relevant to the products and services requested. Note! If the Candidate does not have an ISO 9001:2015 third party certification, the Candidate shall enclose a compliance matrix Appendix 9 showing the relations between ISO9001:2015 and the Candidate's QMS. The compliance matrix shall give references to the QMS documented information (e.g. process descriptions and/or procedures). Note!! If the Candidate is not the Original Equipment Manufacturer (OEM) of the products and services, the Candidate shall in addition enclose the following documented information from the OEM; A copy of an ISO 9001:2015 certificate issued by an accredited third party certification body with a scope relevant to the products and services requested. If the OEM does not have an ISO 9001:2015 third party certification, the Candidate shall in addition enclose a compliance matrix Appendix 9 showing the relations between ISO9001:2015 and the OEM's QMS. The compliance matrix shall give references to the OEM's QMS documented information (e.g. process descriptions and/or procedures).

	Qualification requirement	Documentation requirements
QR5-2	The scope of the Candidate's QMS shall cover the products and services requested (Ref. ISO 9001:2015 Determining the scope of the quality management system).	The Candidate shall enclose documented information describing the scope of the QMS. For Candidates with an ISO 9001:2015 certificate issued by an accredited third party certification body, the Candidate can refer to the scope on the enclosed certificate Note! Candidates that do not have an ISO 9001:2015 certificate scope to refer to, must provide documented information describing the scope of their current QMS. Note!! If the Candidate is not the OEM of the products and services, the Candidate shall enclose documented information describing the scope of the OEM's current QMS.
QR5-3	The Candidate shall declare willingness to accept the applicable Allied Quality Assurance Publication 2131 Edition C Version 1. «NATO Quality Assurance Requirements for Final Inspection and Test», Appendix 11.	Note! If the Candidate is not the OEM, the Candidate shall also state its willingness to flow down AQAP 2131 Edition C Version 1. «NATO Quality Assurance Requirements for Final Inspection and Test requirements for the QMS to the OEM, and describe how the Candidate will assure that the OEM will comply with AQAP 2131 Edition C Version 1.
QR5-4	If the Candidate intends to purchase the products and/or services through a Distributor, the Candidate shall be responsible for Flow down of AQAP 2131 Edition C Version 1 to the Distributor and from the Distributor to the OEM.	The Candidate shall in case they will use a Distributor, describe how the AQAP 2131 Edition C Version 1 requirements will be flown down to the Distributor, and from the Distributor to the OEM, and how the Candidate will do the "follow-up" in order to ascertain that the requirements in the contract are flown-down and implemented.

4.4 Selection Criteria

Where applicable, the Contracting Authority will limit the number of suitable candidates to a minimum of four and a maximum of six candidates, who will be invited to tender.

The Contracting Authority reserved the right to continue the procedure even if fewer than four candidates meets the minimum levels of ability and the selection criteria.

The Contracting Authority will limit the number of suitable candidates invited to tender based on the following criteria:

Nr.	Selection criteria	Documentation requirements	Weight
S1	The candidate with the most relevant experience from similar deliveries with particular focus on references on efficiency, experience, and reliability.	Documentation submitted in relation to QR4-1 Qualification requirement. The Contracting Authority reserves the right to contact the listed contact person.	30 %

Nr.	Selection criteria	Documentation requirements	Weight
S2	The Candidate should have the necessary technical professionals.	Documentation submitted in relation to QR4-2. NDMA will ensure that the Candidate possess a range of technical capacities to produce high-quality combat boots in leather that is intended to use all year (operational environment).	70 %

4.5 Format for Requests to Participate

Files shall be submitted in Microsoft Office, ODF or PDF format. Files shall be named so that the file name refers to the file's content and the structure of the answers. Candidate shall create one file per requirement, see table below.

4.6 Content of the Requests to Participate

The request to participate shall contain the following documents and are structured as follows:

No.	Document name	Reference
1	Completed letter of request to participate	Appendix 1 (template)
2	If relevant, declaration of commitment if the candidate relies on other companies to meet qualification requirements	Appendix 2 (template), cf. section 4.3
3	Where the candidate consists of a group of economic operators, completed Appendix 3 – Form for groups of economic operators COMING TOGETHER TO PRE-QUALIFY FOR THE PROCUREMENT	Appendix 3 (template), cf. section 4.2
4	Self-declaration	Appendix 7 (template), cf. section 3.15, 4.7 and 4.8
5	HMS/HES	Appendix 8
6	Certificate of registration (firmaattest)	Section 4.4.1, QR1
7	Certificate or other prove of authorisation [...]	Section 4.4.1, QR1
8	Tax certificate	Section 4.7
9	Documentation on economic and financial capacity	Section 4.4.2, QR2-QR3
10	Documentation on technical and professional qualifications in Appendix 12	Section 4.4.3, QR4-1 and QR4-2

11	Documentation on quality management systems	Section 4.4.4, QR5
12	Compliance Matrix ISO9001:2015 (if not certified)	Appendix 9 QR 5
13	Redacted version of the request to participate	Section 3.14.2
14	List of redacted content	Section 3.14.2

4.7 Exclusion of Candidates

The grounds for exclusion in FOSA §§ 11-12 continuing apply for participation in this procurement. The candidate shall familiarize itself with these provisions.

4.8 Compliance with Sanctions Laws

Only candidates not being in violation of Regulations of 15 August 2014 No. 107 on restrictive measures regarding actions that undermine or threaten the territorial integrity, sovereignty, independence and stability of Ukraine (the Ukraine Sanctions Regulations), will be allowed to participate in the procurement. Same applies to any other sanction laws. By Sanctions Laws is meant any law, resolutions and/or regulations, trade embargoes, restrictive measures and/or decisions implemented, adopted, imposed and/or enforced by any competent authority, including, but not limited to, the Norwegian state, the United Nations, the European Union and the United States of America directed at prohibiting or restricting dealings with certain countries, territories, governments or specifically designated persons or entities.

The candidate will in his request for participation have to confirm that it is not in violation of any such sanctions by completing and submitting Appendix 7 – Self-Declaration.

If the candidate is a group of economic operators, the required information shall be provided for each individual group member.

If the candidate, or a group member in case the candidate is a group of economic operators, is part of a group and/or another company or other companies have control of the candidate or such group member, the such a declaration is also required from the ultimate parent company of the group/the ultimate controlling company.

4.9 Deadline for Request for Preliminary Injunction

Any request for a preliminary injunction against the Contracting Authority's decision to reject a request to participate or not invite a candidate shall be submitted to the court within minimum 15 days after such a notice is sent, cf. FOSA § 10-6.

5 CONDITIONS FOR PERFORMANCE OF THE CONTRACT

5.1 Form of Contract

The Contract will be structured as a supply contract.

5.2 Pay and Working Conditions

The contract will contain requirements for pay and working conditions, documentation and sanctions in accordance with the Regulations of 8 February 2008 no. 112 on pay and working conditions in public contracts (forskrift om lønns- og arbeidsvilkår i offentlige kontrakter).

5.3 Transparency and Work with Fundamental Human Rights and Decent Working Conditions

The contract will contain requirements to promote basic human rights and decent working conditions.

Suppliers that are subject to the Act of 18 of June 2021 No. 99 relating to enterprises' transparency and work on fundamental human rights and decent working conditions (Transparency Act), will have to ensure compliance with all legal obligations of the Transparency Act.

5.4 NATO's Quality Assurance requirements

The contract will contain quality assurance requirements in accordance with the following Allied Quality Assurance Publication (AQAP): AQAP 2131 Edition C Version 1

5.5 Main Terms concerning Financing and Payment

The contract will be structured as a

- Fixed price contract with price adjustment clauses. There will be a basis unit price which will be adjusted pursuant to price adjustment clauses.

5.6 Payment Conditions, Deposits and Guarantees

The contract will contain payment conditions in compliance with ARF chapter 23.

The terms of payment will be as follows:

- Payment [30] days after approved delivery and receipt of correct invoice.

If payment is not made when due, the Contracting Authority will pay interest in accordance with Act of 17 December 1976 related to interest to overdue payments.

5.7 Delivery Terms

INCOTERMS 2020 FCA apply for the delivery and transfer of risk of the supplies.

5.8 Intellectual property rights and royalty

NDMA wishes to own the rights to the drawings, technical data, blueprints etc., when the original framework agreement expires. This is so that NDMA can implement potential configurations and that the boot can be produced by other entities, after a public procurement announcement of production. The Contractor will keep its rights to produce the same boot to other armed forces or civilian market.

5.9 Industrial Co-Operation

The Royal Norwegian Ministry of Defence (MOD) has decided that an industrial co-operation agreement will apply to suppliers and sub-suppliers located outside the European Economic Area (EEA).

<u>For suppliers located outside the EEA:</u>

An industrial co-operation agreement is required, in accordance with the Regulations for Industrial Co-operation related to Defence Acquisitions from Abroad (RIC).

A tenderer located outside the EEA shall in its tender state its commitment to enter into such agreement without making any reservations to the RIC and standard agreements.

Such a tenderer shall also in the tender describe (in a separate annex) how it intends to fulfil the industrial commitment. The annex shall include descriptions of contracts or arrangements entered into, or currently being negotiated, with Norwegian industry.

For suppliers located within the EEA with sup-suppliers located outside the EEA:

An industrial co-operation agreement is required, in accordance with the Regulations for Industrial Co-operation related to Defence Acquisitions from Abroad (RIC), where the value of the sub-contract exceeds 50 million NOK. This requirement also applies if the supplier and sub-supplier belong to the same corporation.

A tenderer using sup-suppliers located outside the EEA shall in its tender, on behalf of its' sub-suppliers, state their commitment to enter into such agreements without making any reservations to the RIC and standard agreements.

Such a tenderer shall also describe (in a separate annex) how its' subcontractors located outside the EEA intend to fulfil the industrial commitment. The annex shall include descriptions of contracts or arrangements entered into, or currently being negotiated, with Norwegian industry.