



# NORWEGIAN DEFENCE MATERIEL AGENCY

2023028119 – Courses in Electronic Warfare for ESM  
Operators and/or Anti-Submarine Warfare for SONAR  
Operators on  
P-8A Poseidon

Part 1 – Conduct of the procurement

(The Public Procurement Regulation part I and IV)

2023028119 - Courses in Electronic Warfare for ESM Operators and/or Anti-Submarine Warfare  
for SONAR Operators on  
P-8A Poseidon  
**Part 1 – Conduct of the procurement**

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### **1. Introduction**

#### **1.1 The Contracting Authority**

The Norwegian Defence Materiel Agency (NDMA) is the contracting authority and is responsible for carrying out the procurement procedure.

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.

#### **1.2 User**

The Contracting Authority executes this procurement on behalf of The Norwegian Armed Forces.

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

#### **1.3 Purpose of the procurement**

The purpose of this procurement is to establish a Framework Agreement to meet the Purchaser's demand for initial Electronic Warfare- (EW) and Anti-Submarine Warfare (ASW) training for respectively Electronic Support Measures (ESM) and Sound Navigation and Ranging (SONAR) operators on Norwegian P-8A.

The framework agreement shall ensure that the Royal Norwegian Air Force (RNoAF) at all times can ensure continuous SONAR and ESM education of new crewmembers to meet the operational need of the RNoAF.

#### **1.4 Scope of the procurement**

The Norwegian Armed Forces need initial EW and ASW training for respectively ESM and SONAR operators on Norwegian P-8A. Approximately 4 students are expected to participate in each class per course, however, should the need arise, the courses must be conducted for a minimum of one participant and up to 6 participants from RNoAF. There is an initial estimated need for one of each course per year, based on the assumption that the classes take 4 students each. Nevertheless, if the necessity occurs, there shall be options to organize additional classes of each course during a year. The differences between the courses are outlined in the Requirement Specifications, with a specific set of requirements for each course, as outlined in Annex B1 – SONAR and Annex B2-ESM. The Contractor can choose to deliver a tender for one or both courses.

The first ESM and SONAR courses must be started in the fall of 2025. The subsequent courses are tentatively scheduled for the fall of 2026, although the exact timing is not yet confirmed.

It shall be facilitated for the development and adaption of the course(s) during the agreement period, including the possibility to replace existing courses with new and updated courses within the same subject areas.

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There is a consideration to strengthen the Radar category within P-8A. The need for a course in this area is currently uncertain and will depend on future needs. The Contracting Authority therefore reserves the right to incorporate an additional course into the Framework Agreement if deemed necessary in the future, provided the Contractor is able to accommodate such an inclusion.

### **1.5 Economic scope**

The estimated value of the procurement, including options, is 1 420 000 (one million four hundred twenty thousand) GBP excl. VAT. The maximum value of the procurement is 1 800 000 (one million eight hundred thousand) GBP excl. VAT.

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

The estimate does not serve as an upper or lower limit for what can be procured under the framework agreement, nor does it entail any purchase obligations. The actual amount of call offs depends on the user's shifting needs during the term of the framework agreement.

### **1.6 Duration**

The duration of the Framework agreement is 4 (four) years from the signing of the framework agreement. The Contracting Authority shall have renewal options for another 3 (three) years. The maximum duration of the agreement including options is 7 (seven) years.

### **1.7 Type of contract**

For the assignment, a framework agreement may be awarded to a single contractor for both courses (SONAR and ESM), or two separate contractors, each responsible for one course (SONAR/ESM).

### **1.8 Exclusivity**

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

### **1.9 Tender International sanctions – Russian involvement**

This procurement is conducted in accordance with § 8 n) of the Regulation laid down by Royal Decree of 15<sup>th</sup> of August 2014 nr. 1076, later amended by the Regulation of 3<sup>rd</sup> of May 2022 nr.755 by Royal Decree, concerning restrictive measurements regarding actions to undermine or threaten the territorial integrity, sovereignty, independence and stability of Ukraine. Accordingly, the Contracting Authority is obliged to withhold from entering into any agreements, with any legal entities, covered by the Regulation. The Regulation is given with authority from the Act of 14<sup>th</sup> of April 2021 nr.18 (The Act of Sanctions).

The Contracting Authority depends on a loyal follow up from all contractors in terms of compliance of the Regulation. Any contractors that are not in compliance with the Regulation will be rejected from the tender.

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If there is any uncertainty whether the Regulation applies for the contractor; the contractor is encouraged to contact the Norwegian Ministry of Foreign Affairs ([www.regjeringen.no](http://www.regjeringen.no)).

The Contracting Authority may, at any time during the Tender process, ask the contractor to provide documentation to ensure compliance with the Regulation. This is necessary in order to ensure that the conduct of the tender complies with rules and regulations for the tender procedure. This may entail, but is not limited to, documentation of ownership and strategic structure with the contractor and subcontractors, description of reliance and involvement of subcontractors, as well as cooperation with any Russian entities.

The Contracting Authority encourages all contractors to familiarize themselves with obligations and commitment concerning the affirmed/adopted international sanctions as stated in clause 4.10 *Act of Sanctions* in General Contract Provisions.

### 1.10 The structure of the tender documentation

The tender documentation consists of two parts:

**Part I** contains documents relating to the implementation of the tender. Part I consists of the following documents:

The main document	Conduct of the procurement (this document)
Annex 1	Tender letter
Annex 2	Deviations from the tender documentation(template)
Annex 3	Self-declaration of the ethical commitment
Annex 4	Caution, duty of non-disclosure and conflict of interest
Annex 5	Self-declaration qualification requirements
Annex 6	Declaration of commitment
Annex D	Price sheet

**Part II** contains the contract for this procurement including conditions for the performance of the contract. The following documents fall within part II:

Front page of the contract with signatures – Form 5101
Contract provisions
Annexes according to the list of annexes as specified in the contract

## Part 1 – Conduct of the procurement

### 2. Conduct of the procedure

#### 2.1 Procurement Procedures

This procurement is conducted in accordance with the Act and Regulation on public procurement; the Act of 17 June 2016 no. 73 (the Public Procurement Act) and the Regulation laid down by Royal decree of 12 August 2016 no 974 (the Public Procurement Regulation).

The procurement is conducted according to part I and part IV of the Public Procurement Regulation. The Conduct of the procurement (this document) describes how the procurement will be conducted.

All interested contractors have the opportunity to submit tenders in Merccell.

The Purchaser reserves the right to clarify and negotiate all parts of the proposal with the Contractor if the Purchaser deems it appropriate. It is emphasized that the contractors must be prepared for the absence of dialogue, and the contractors should therefore submit their best tender.

#### 2.2 Announcement of the procurement

The procurement will be announced on Doffin ([www.doffin.no](http://www.doffin.no)) and Tender Electronic Daily ((TED) [www.ted.europa.eu](http://www.ted.europa.eu)).

#### 2.3 Important dates

##### 2.3.1 Progress plan

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

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

ACTIVITY	DATE
Announcement on Doffin/TED	29.10.2024
Deadline for questions about the tender documentation	25.11.2024
<b>Deadline for submission of tenders</b>	<b>02.12.2024 kl. 08:00</b>
Evaluation of tender and any dialogues	Week 49-51
Contract award	13.01.2025
Expiry of the standstill period	23.01.2025
Signing of contract	24.01.2025
<b>Tender acceptance period</b>	<b>31.03.2025 kl. 23:59</b>

#### 2.4 Communication and questions to the tender and additional information

All communication relating to the procurement process shall take place in writing via Merccell ([www.merccell.com](http://www.merccell.com)).

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When logged in on the tender in Mercell, please choose the folder «communication». Click on the icon «new message» in the menu. Write the question/information and click «send». The Contracting Authority will then receive the question/information.

Any questions from the contractors about the tender documents must be submitted via Mercell within the deadline stated in Article 2.3.1.

All questions, will, well ahead of the expiry deadline for submission of tenders be answered anonymously and made available as additional information for all those who have notified their interest in Mercell. Additional information is available under the folder “communication” and then under the folder “additional information”. Contractors that have already notified their interest will also receive a message via e-mail if additional information is provided in the tender. The contractor can then follow the link in the message to reach the relevant tender.

### **2.5 Corrections, supplements and/or amendments to the tender documentation**

Within the expiry of the tender period, the Contracting Authority is entitled to make corrections, supplements and amendments to the tender documentation. Corrections, supplements or amendments to the tender documents will immediately be forwarded to all contractors who have notified their interest in Mercell.

Information about corrections, supplements and amendments are notified electronically via Mercell.

If an error occurs in the tender documentation, please notify the Contracting authority via the communication module in Mercell.

## **3. Administrative provisions**

### **3.1 Language**

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

### **3.2 Security**

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

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

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

Applicable laws and regulations can be downloaded from the following website:  
<http://www.lovdata.no>

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### **3.2.1 Visit permits**

The Contractor undertakes to follow the Purchaser's prevailing visiting routines while visiting the Purchaser's facilities. Foreign citizens shall complete the form «Request for Visit» pursuant to «Guide for clearance of foreign citizens visiting Norway». The Purchaser will communicate such documents to the Contractor when required.

### **3.3 Public access to documents and confidentiality**

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

The contractors must submit one copy of the tender where the contractor censors what the contractor considers to be trade secrets according to Norwegian law. Examples of such confidential information can be information about employees, reference descriptions, information about collaborating partners, unit prices, man-hour rates, etc.

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

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

### **3.4 Code of ethics and general requirements for the case handling**

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

By submitting tenders, the contractor confirms that Annex 3 are read and accepted, and that any information according to Annex 3 section 3 appears from the tender.

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

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

### **3.6 Deviations from the tender documentation and rejection**

Any deviations shall be specified accurately and clearly in Part 1, Annex 2 – Deviations from the Tender Documentation. Deviations must appear in this document in order to be invoked by the contractor. The specification of deviations must refer clearly to the relevant annex and clause in the tender documentation.

The Contractor reserves the right to reject tenders with deviations.



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### **4. Self-declaration regarding qualification requirements**

The contractor shall, together with the tender, fill in and submit Annex 5 – Self-declaration regarding qualification requirements as preliminary documentation so that the tender fulfils all qualification requirements specified in clause 5 Qualification requirements.

The Contracting Authority may, at any time during the tender, ask the contractor to provide all or parts of the documentary evidence if this is necessary to ensure that the tender is conducted correctly. The contractor must therefore make sure to have the documentation available.

Before contract award, the Contracting Authority may require that the selected contractor submit updated documentary evidence.

### **5. Qualification requirements**

#### **5.1 Regarding the qualification requirements**

The qualification requirements are absolute requirements. Failure to fulfil qualification requirements will result in an exclusion from the tender.

#### **5.2 Reliance on the capacity of other entities**

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

If the contractor relies on the capacity of other entities to fulfil the qualification requirements to economic and financial capacity and/or for technical and professional qualifications, the contractor must document that it possesses the necessary resources. This can be documented by for instance enclosing a signed declaration of commitment from these enterprises, see Annex 6 – Declaration of commitment. The enterprises shall in addition submit separate self-declarations, cf. clause 4. If more than one contractor participates jointly in the tender, the participating contractors must submit separate self-declarations, cf. clause 4.

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### 5.3 Mandatory requirements

#### 5.3.1 Requirements for the contractors' obligations regarding the payment of tax and VAT

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

#### 5.3.2 Requirements regarding the contractors' registration

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

#### 5.3.3 Requirements regarding the contractors' economic and financial capacity

REQUIREMENT	DOCUMENTATION REQUIREMENT
The contractor must have sufficient economic and financial capacity to complete the delivery, including satisfactory operating margin, liquidity ratio and equity share.	<p>Credit rating from an acknowledged credit rating company based on the latest accounting data. The credit rating must not be older than 3 months.</p> <p><b>Or, if Contractor is too young to have a credit rating:</b></p>

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	<p>The contractor's financial statements (including notes with director's report and auditor's statement) from the past 2 years.</p> <p>If the financial statements for the previous year are not completed upon expiry of this tender, the preliminary financial statements for the previous year shall also be enclosed.</p>
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If a contractor relies on the capacity of other businesses in order to fulfil this requirement, the Contracting Authority can require that they shall be jointly and severally liable for the execution of the contract.

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

**5.3.4 Requirements to the contractors' technical and professional qualifications**

REQUIREMENT	DOCUMENTATION REQUIREMENT
The contractor shall have experience from similar deliveries within electronic and anti-submarine warfare.	<p>Overview of the contractor's 3 most relevant assignments during the past 3 years. In order to secure sufficient competition, documentation for deliveries performed by the contractor more than 3 years ago may also be taken into consideration. The overview must include a specification of:</p> <ul style="list-style-type: none"> <li>• The value of the assignment</li> <li>• Time</li> <li>• Recipient (name, telephone and e-mail)</li> <li>• Brief description of the delivery</li> </ul> <p>It is the contractor's responsibility to document relevance through the description.</p>
The contractor shall have the sufficient capacity to execute the contract.	Description of technical personnel and technical entities available to the contractor to execute the contract.
The contractor shall have sufficient competence to conduct and organize the courses.	<p>Description of education and experience of the personnel available to the contractor to execute the contract.</p> <p>CVs are not requested in this connection.</p>

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### 6. Tender

#### 6.1 Award criteria and assessment

The contract will be awarded to the contractor that has the most economically favourable tender based on the award criteria described below. The contractor will be given points on the basis of an assessment model where the best tender under each award criterion scores 10 points. The other tenders score points based on relative difference from the best tender.

The score of each award criteria will be added together to form each contractor's final score. The contractor that scores the highest final score is the winner.

See more information in Clause 4.1.2.Award criteria	Documentation requirement	Total Weight
<b>Prices</b>  Price per course (20 %)  See more information in clause 6.1.1	Contractor is to fill in Appendix 1 – price matrix	<b>20 %</b>
<b>Quality</b>  • Overall quality (60%)  See more information in Clause 6.1.2.	<u>Overall quality:</u>  Filled in Annex B1 and/or Annex B2, Requirement Specification	<b>60 %</b>
<b>Delivery time</b>  • Delivery time (10 %)  See more information in Clause 6.1.3.	<u>Delivery time:</u>  The contractor shall submit a timeline presenting the delivery time for the course/courses.	<b>10 %</b>
<b>Dual Course Offering</b>  • Dual course offering (10 %)	<u>Dual course offering</u>  The Contractor must provide a description of how they plan to offer both courses	<b>10%</b>

##### 6.1.1 Prices (20 %)

The price shall be stated per course of initial EW training for ESM operators, and/or for the initial ASW training for SONAR operators.

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All shall be stated in GBP excl. VAT. If prices are not stated in GBP, but another currency, the Contracting Authority has the right to change currency to GBP in order to make the offers compatible. The currency change will be based on the Norwegian Banks currency at the day of the submission of the Tenders.

The contractor will be awarded points according to an assessment model, where the tender with the lowest price receives 10 points. All other tenders will be scored based on their relative difference from the lowest-priced tender.

### **6.1.2 Quality (60 %)**

The Contracting Authority will assess all B requirements under this subcriterion. Emphasis will be placed on the following relevant factors: the overall understanding of the assignment, the quality and comprehensiveness of the proposed solution, the methodology and approach, as well as the instructors CVs and experience.

The B-requirements are categorized into three levels: some require only an introductory understanding of the subject, others necessitate a fundamental understanding, and some demand both a solid understanding and the provision of effective training. Contractors who meet the required level for each B requirement will automatically be awarded 2 points. Contractors who exceed these expectations will be awarded 3 points, while those who do not meet the required level will receive 0 points. Certain B-requirements must be answered with a simple 'Yes' or 'No.' For these specific requirements, a 'Yes' response will result in the Contractor being awarded 1 point.

The tender with the highest total score will receive 10 points, and the remaining tenders will be scored based on their relative difference compared to the tender with the best score.

### **6.1.3 Delivery time (10 %)**

The Contracting Authority will assess the delivery time from the order to the course(s) are completed. Contractors must submit a detailed timeline, meaning a thorough and specific schedule outlining all key activities and milestones from the receipt of the order to the final delivery **(completed course)**. The evaluation will also consider the flexibility and efficiency of the proposed course schedule.

The tender that best meets these criteria will receive the maximum score of 10 points. All other tenders will be scored on their relative difference compared to the tender with the best score.

### **6.1.4 Dual Course Offering (10 %)**

The Contracting Authority will assess the offering of both the ESM and SONAR courses, awarding up to 10 points if both courses are provided. The tender that achieve the best overall score based on the evaluation criteria of price, quality, and delivery time, summed across both offered courses, will be awarded 10 points. Other tenders offering both courses will be assigned a relative score based on the top-performing tender.

Tenders that offer only one of the courses will be awarded 0 points.

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### 7. Preparation of the tender

#### 7.1 Submission of the tender

All tenders shall be submitted electronically in Merccell within the deadline stated in Article 2.3.1 Progress Plan.

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

It is the contractor's responsibility to make sure all the requested and necessary documentation is enclosed with the submitted request.

#### 7.2 Tender structure

The tender shall contain the following documents:

Section number	Document name	Annex/Appendix
1	Completed tender letter	Part 1, Annex 1
2	Any filled in deviation from the tender documentation	Part 1, Annex 2
3	Self-declaration regarding qualification requirements	Part 1, Annex 5
4	Any declaration of commitment if the contractor relies on other entities to fulfil qualification requirements technical and professional qualifications	Part 1, Annex 6
5	Filled in price sheet	Annex D
6	Reply to the requirement specification in Part 2, Annex B1 and/or B2, with documentation	Part 2, Annex B1 and/or B2
7	Filled in Part 2, Annex F “Administrative provisions”	Part 2, Annex F
8	Signed self-declaration regarding Russian involvement	Part 2, Annex J
9	Any censored versions of tenders	See clause 0
10	Other relevant information	

#### 7.3 Tender format

As for the submitted documents, The Contracting Authority requests that:

- Files containing signed documents must be in PDF format
- Other files must be in PDF format or be able to be read by MS Office 2010 or newer versions
- The price matrix shall in addition be submitted in a Microsoft Excel compatible format
- The files must be named so that the name of the file refers to the content of the file.

#### 7.4 Parallel and alternative tenders (variants)

The Contracting Authority does accept parallel tenders. A parallel tender refers to more than one tender from the same contractor that fully fulfils the requirements specified in the requirement specification.

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The Contracting Authority does accept alternative tenders (variants). Alternative tenders (variants) refer to tenders that describe a different solution than the one described in the tender documentation.

### **7.5 Tenders relating to parts of the procurement**

It is possible to submit a request to participate in tenders that pertain only to specific parts of the procurement, such as either ESM- or SONAR courses.

### **7.6 Withdrawal of tender**

It is possible to withdraw tenders until the expiry of the deadline for submission of tenders. A withdrawal shall take place in writing. All tenders submitted before the expiry of the deadline for submission of tenders are considered valid unless the contractor has given written information that one or more of the tenders are withdrawn.

## **8. Conclusion of the tender**

### **8.1 Notification of award and standstill period**

The Contracting Authority will inform all contractors of which contractor the Contracting Authority intends to award the contract to. This notification will be distributed to all contractors in writing and at the same time as soon as the selection of contractor has taken place.

The notification will include a justification of the choice. It will also specify the standstill period from when the award is published until the signing of the contract is planned to take place (the entering into of the contract).