

PART I of THE TENDER DOCUMENTATION

DESIGN AND BUILD CONTRACTS NS 8407

INVITATION TO TENDER

Contract: E3 Sea Barriers

Project: 540026 Protection Operational Part

(For procurement according to FOA part II
(Enterprises NS 8407 between 1,300,000 and 51,000,000 ex. VAT))

Contents:

- **Invitation to tender (competition rules)**
- **Appendices:**
 - ✓ Part II - Conditions of Contract NS 8407 10.10.2014
 - ✓ Part III-A - The Project NS 8407
 - ✓ E1 Part III-B SHW and External Environment NS 8401-8405-8407
 - ✓ E1 Part III-C MOM Documentation NS 8401-8405-8407
 - ✓ E1 Part III-D Administrative Provisions NS 8405-NS 8407
 - ✓ E2 Requirement boat barriers
 - ✓ General plan
 - ✓ Sketch of sea barriers Hovedkai
 - ✓ Sketch of sea barriers Hetlevikstraumen
 - ✓ Sketch of sea Barriers Store-Lille Bogøy
 - ✓ Sketch of sea Barriers Vaagedalen (Laksevåg)
 - ✓ Code of Conduct Statement
 - ✓ Subcontractors' Statement of Commitment
 - ✓ Price Form

The aforementioned appendices shall be completed and returned together with the tender.

1 INTRODUCTION

1.1 Brief description of procurement

The Norwegian Defence Estates Agency invites the contractor to submit a tender for the following works: Sea Barriers

The assignment is described in more detail in the Request for Tender part III.

1.2 Procurement procedure

1.2.1 The regulations governing the procurement process

The competition applies to a procurement below the EEA threshold value, cf. parts I and II of the regulations on public procurement, and is carried out as competitive tendering, cf. Sections 9-2 and 9-3 of the Regulations. Due to the supplier market, the procurement is made open for free distribution on TED.

1.2.2 Selected procurement procedure

The competition is carried out as:

- open competitive tendering

1.2.3 Planned dialogue

In accordance with section 9-3 (3) of the Regulations, the Norwegian Defence Estates Agency would inform you that we plan the following dialogue with the suppliers after the bids are received:

- Alternative 2

The client plans to conduct dialogue through negotiations with one or more of the suppliers that submit bids in the competition. Selection will be made following an assessment of the award criteria. The dialogue may be limited to dealing with minor clarifications/corrections, but is also planned to deal with the aspects of the bids that are of significance as to how the bid will score according to the award criteria.

If, once the bids have been received, the client considers that it is most appropriate to award the contract without conducting dialogue in terms of real negotiations, the client will reserve this right. It is emphasized that no supplier can expect a dialogue about their offer.

2 INFORMATION

2.1 Site inspection

- No site inspection will be held in connection with the competition.

2.2 Conference

- No conference will be held in connection with the competition.

2.3 Additional information

If the contractor desires further information, the following contact person should be used:

Name: Kurt Vatnvåg
Tel.: (+47) 926 28 504
E-mail: kurt.vatnvaq@forsvarsbyqq.no

3 REQUIREMENTS FOR THE TENDER

3.1 Language requirements

The tender and the associated documentation should preferably be submitted in Norwegian, although other Scandinavian languages will also be accepted. English will be accepted. Product data sheets etc. may also be submitted in English.

3.2 Period of validity

The contractor must honour the tender for a period of **90** calendar days from the closing date for the tender.

3.3 Submission of the tender

The tender (1 copy) should be delivered electronically to www.mercell.no by the tender deadline.

If you are not a Mercell user, you have questions about how to upload your tender, or how to submit a tender, please contact Mercell Support by phone + 47 21 01 88 60 or by e-mail to support@mercell.com.

For public tenders, electronic signature (BankID, Commfides or Buypass) is required, you have any questions regarding this please contact Mercell support. **NB! If you have not previously used an electronic signature, it is advisable to clarify its use well before the submission deadline!**

Please note that it may take a few days to obtain an electronic signature. Therefore, this process should be started as quickly as possible.

Mercell recommends that you test the signature with the certificate you have available as soon as possible (well in advance of the deadline for submission of tenders). The test functionality is located in the registration-/tender submission steps.

Electronic signature outside Norway.

We would inform you that the Mercell portal supports the following electronic signature from Sweden and Denmark:

Sweden: Svensk Bank ID, Nordea

Denmark: Nem ID, TDC/OCES

Within the EU, Mercell uses a service provided by Unizeto (<http://unizeto.eu/>) through an agreement with DIFI and the EU Project PEPPOL (www.peppol.eu). This supports most X. 509 certificates.

3.4 Deadline for tenders

The closing date for the submission of tenders is **05.09.2018 at 13.00**

The tender will be deemed to have been delivered on time if it has been delivered via Mercell before the expiry of the deadline. The supplier is responsible for ensuring that the tender is submitted by the deadline.

We recommend that the tender be submitted well before the deadline.

Should additional information be provided by the client that results in you wishing to change your tender before expiry of the deadline, you can go in and open the tender, make any changes, and resubmit it right up until the expiry of the deadline for the tender.

4 CONTRACTOR REQUIREMENTS

4.1 Qualification requirements

The following requirements apply for contractors that wish to participate in the competition:

Requirements:	Documentation requirements:
General requirements:	
The contractor must be a legally registered enterprise.	Foreign contractors must submit documentation showing that the enterprise is legally registered in its country of domicile. Norwegian contractors are not required to document fulfilment of the requirement beyond the submission of a tax and VAT certificate, cf. below.
The contractor's payment of taxes and other public charges must be in order.	<u>Certificate for Tax and Value-Added Tax (RF-1316)</u> . This certificate can be ordered through www.altinn.no . The certificate must not be older than six months, counting from the closing date for tenders. <i>(For Norwegian contractors only)</i>
Requirements concerning economic/financial standing:	
The supplier shall be creditworthy.	A credit rating of the supplier that is not older than six months, calculated from the closing date for tenders. The rating should be issued by a company with a credit information licence from the Norwegian Data Protection Authority, see www.datatilsynet.no . The credit rating should include an assessment of the supplier's payment history/-reliability. The result of the credit rating shall be presented as a graded value (letters or numbers) on a defined scale. If the contractor cites guarantees furnished by other enterprises (such as a parent company) to satisfy this requirement, a corresponding credit rating must be submitted for this company. In addition, legally binding confirmation from this company that it shall be jointly and severally liable for any liability under the contract must be presented.
The supplier must have the financial capacity to perform the contract.	The submission of accounting figures from the most recent available annual accounts showing the supplier's revenues. (Not necessary if the key figures from the accounts are stated in the credit rating.)
Requirements concerning technical and professional qualifications:	
The contractor (as an enterprise) should have substantial experience of, and expertise in, planning and performing work of a corresponding magnitude and complexity.	A list of the relevant design and build contract projects carried out during the last five years, which gives a short description of the projects and the scope of these projects. If necessary, the supplier can submit documentation from subcontractors such that they jointly satisfy the requirement.
It is required that the supplier's site manager and project manager have expertise in, and experience with, these roles from contracts of a corresponding magnitude and complexity.	CVs for the site manager and project manager. List of reference projects that give a brief description of the project, scope of the project and the functions these individuals had in the project.
The contractor must have the necessary capacity to perform the contract.	A description of the total number of personnel and the equipment that the contractor has at its disposal to fulfil the contract.

If the contractor makes reference to documentation from subcontractors to document satisfaction of the requirements concerning technical and professional qualifications, a commitment declaration must be submitted showing that the contractor has at its disposal the offered resources. A template for this declaration is included as Attachment 3 to this document.

4.2 Preliminary documentation of qualification requirements

The contractor does not need to document the requirements listed above in point 4.1 upon submission of the tender.

It is sufficient that the contractor provides a statement in the tender that he meets the qualification requirements. The contractors should use the template for such a statement according to Appendix 1 to this document.

5 CRITERIA FOR AWARDING THE CONTRACT. EVALUATION MODEL

5.1 Award criteria

The award is made on the basis of which tender has the best price-quality ratio, based on the following criteria:

No.:	Criterion:	Weighting:	Documentation:
1	Price	50%	Price Form, see Part I of the tender documentation, Appendix 3
2	Technical solution (quality and functionality)	20%	Description of the envisaged solution for the project, product selection and associated functionality.
3	Qualifications of executing personnel	10%	CVs of key personnel who will execute the project. (Minimum of CVs for construction, engineering and gang foreman execution). Each CV should clearly state the scope of the person's experience with this type of project and/or other projects that are relevant for their role.
4	Operation and maintenance	20%	How the facility should be operated - requirements for necessary equipment. The maintenance required in the sea and possibly onshore. Maintenance intervals. Estimated lifetime of the facility.

5.2 Evaluation of price

5.2.1 General information

The Price Form shows the elements that are included in the price evaluation. Tendered prices will first be adjusted for calculation errors and any obvious incorrect pricing. Thereafter, for the purposes of evaluation, prices may be adjusted for discrepancies and reservations that are not extensive enough to warrant rejection.

5.2.2 Overall price evaluation

The cheapest bidder will be awarded 10 points for price. Other bidders will be awarded points based on how far away they are from the cheapest based on the following formula, where 'Pe' is the price being evaluated and 'Pb' is the price of the cheapest tender:

$$10 - \frac{10 \times (Pe - Pb)}{Pb} = \text{point score}$$

This model only awards a point score for tenders that are less than twice as expensive as the cheapest tender.

Evaluation of tendered qualifications for personnel in the award criteria.

Points will be set from 0 to 10 points for each of the disciplines (qualifications of executing personnel) covered by the turnkey contract. 10 points will be awarded to contractors that offer very good qualifications and 1 point will be awarded to contractors who tender very few qualifications. 0 points will be awarded if no documentation is provided of the qualifications tendered by the contractor.

The overall points score for all functions, possibly adjusted for the reciprocal weighting of the functions, is the basis for the evaluation of the criterion "offered skills in the design and construct function".

Technical solution and operation- and maintenance will be evaluated correspondingly.

5.3 Overall evaluation

The points for all of the criteria will then be weighted according to their respective weightings. The bidder with the highest total score after weighting will be ranked the winner of the competition.

6 OTHER INFORMATION FOR CONTRACTORS

6.1 Security restrictions

- Alt. 2: The procurement process is subject to security restrictions. Prior to any disclosure of sensitive information, the contractor must have the necessary security clearance/authorisation and have signed a security agreement, cf. Regulations relating to Classified Procurements.

Detailed information concerning the consequences of the security aspect in relation to the performance of the contract is provided in Part III D.

6.2 Use of persons with a background from the defence sector

6.2.1 Use of persons with a background from the defence sector in the procurement phase

As a general rule, the contractor may not use former defence sector employees (who have been employed during the last two years, counting from the closing date for tenders) in their direct contact with the client during this procurement process. If the contractor is unable to satisfy this requirement, this must be stated in the tender. In these circumstances, the client may apply to the Ministry of Defence for dispensation.

6.2.2 Use of persons with a background from the defence sector during the execution phase

Within a period of two years from the termination of employment, the contractor is, in connection with performance of the contract, obliged to exercise caution with regard to the use of former defence employees to ensure that the client does not contravene impartiality rules.

6.3 Tenders from a consortium of contractors – joint and several liability

Contractors that submit a joint tender must attach an agreement on binding cooperation and joint and several liability signed by all the participants in the consortium. The consortium shall submit a joint tender. The tender must state who will represent the consortium in its contact with the client.

If there are any ambiguities or omissions in tenders with regard to the submission of such a cooperation and joint and several liability agreement, the Norwegian Defence Estates Agency reserves the right to obtain additional information from the consortium.

7 CODE OF CONDUCT STATEMENT AND DECLARATION REGARDING CRIMINAL OFFENCES

The contractor should submit a “Code of Conduct Statement” as part of its tender. The template attached to this document should be used. The statement should be signed. If the contractor answers in the affirmative to one or more of the points in Section 3 of the Statement, the contractor should give an account of the matter (s) in the covering letter to the tender.

8 COOPERATION WITH THE NORWEGIAN TAX ADMINISTRATION - AUTHORISATION TO THE NORWEGIAN DEFENCE ESTATES AGENCY

The Norwegian Defence Estates Agency has entered into a cooperation with the Norwegian Tax Administration for the purpose of prevention and combating of employment crime. In this regard, the Norwegian Defence Estates Agency requires that the contractor recommended to be awarded the contract should submit a signed

authorisation, prior to the signing of the contract, which provides the Norwegian Defence Estates Agency with the extended and unlimited right to obtain information on the contractor's tax- and excise conditions. The authorisation is an attachment to the contract provisions.

The signed authorisation requirement also applies to the bidder's sub-contractors. The bidder should regulate by contract the signature obligation down the supplier chain. Prior to signing the contract, however, a signed authorisation is only required from the bidder, unless sub-contractors are used to fulfil a qualification requirement in the competition. If this is the case, the signed authorisation should be provided by both the bidder and subcontractors. However, signed authorisations from other contractors must be provided and approved by the client before they can be used in the contract/project. This applies throughout the contract period.

The Norwegian Defence Estates Agency would inform you that it may be appropriate to reject the bidder and any subcontractors that are recommended as winner of the competition in the notification letter, if after notification, but prior to signing the contract, information is received from the Tax Administration on non-fulfilment of tax- and excise obligations etc. Awarding of the contract may therefore not be considered final until there is an assessment of the collected information which does not change the client's award decision. It is also pointed out that if a signed authorisation is not received from the bidder and any subcontractors which have been relied upon to comply with the qualification requirements, this will be deemed a significant disclaimer to the contract that would result in the bidder being rejected from the competition.

The contract may be subject to follow-up throughout the contract period. The follow-up entails that the contractor submits monthly summary lists to the Norwegian Defence Estates Agency with the birth number or D number for all employees who perform work as part of the contract fulfilment. The lists will be checked by the Tax Administration.

9 CLIENT RESERVATIONS

The client reserves the right to cancel the competition if there is reasonable and proper cause for doing so, for example, if the planned funding is no longer available or there is a lack of approval from political or military quarters.

10 CONTENT AND ORGANISATION OF TENDER

The Norwegian Defence Estates Agency requests that the tender includes the following documentation:
(The contractors are asked to use the table below as a checklist.)

No.:	What shall be delivered?	Check box
Tender letter		
	The tender letter should be signed. Non-conformities and reservations of any type in relation to the tender documentation should be clearly, unambiguously and exhaustively stated in the tender letter, with reference to where in the tender the reservation is made (page and section number).	
Documentation of the award criteria (see Part I, section Feil! Fant ikke referansekinden.).		
	Signed and fully completed Price Form . Attached to Part I of the Tender Documentation (this document)	
	Technical and functional solution	
	Qualifications of executing personnel CVs for those who will carry out the engineering, execution and project management (only the most key people).	
	Operation and maintenance for the main parts of the project and overall.	
Preliminary documentation of qualification requirements (see Part 1 section 4.1 and 4.2)		
	Declaration of compliance with qualification requirements, etc.	
Other documents		

	Code of conduct statement Attached to Part I of the Tender Documentation (this document)	
	Declaration of joint and several liability (if applicable). See Section6.3	
	Any other documents.	
Functional description		
	E3 Requirement boat barriers, Port security	

The contractor should organise its tender based on the sequence specified above.

It is extremely important that the contractor submits all of the requested documentation. If it does not, it risks being rejected from the competition. If you are unsure of what needs to be submitted, please contact the Norwegian Defence Estates Agency's contact person, see section 2.3.

If the contractor becomes aware of errors, ambiguities or omissions, etc. in the tender documentation, it has a duty to notify the client as soon as possible so that such matters can be rectified before the tenders are submitted.

Appendix 1 - Declaration of compliance with qualification requirements, etc.

The declaration applies to:

Contract	
Project no. and name:	Contract no. and name:
Bidder / Contractor	
Company name:	Enterprise no.:

We hereby declare

- a) that all qualifications requirements set out in the request for tender Part 1 Section 4.1 have been met, and
- b) that there are no grounds for rejection in accordance with the Public Procurement Regulations Section 9-5.

We are aware that the Norwegian Defence Estates Agency, at any time after the submission of the bid, may request submission of the necessary documentation of the qualification requirements, and in any event this documentation must be submitted at the latest before the award of the contract.

Place/Date: _____

Bidder's/Contractor's Signature

Appendix 2 – Code of Conduct Statement

As a contractor to the Ministry of Defence (MD) or underlying agencies, it is hereby conscientiously declared:

1. That the enterprise has familiarised itself with the code of conduct that applies to business contact between contractors and employees of the MD or underlying agencies. The code of conduct for business contact between suppliers and employees of MD with underlying agencies can be found at https://www.regjeringen.no/globalassets/upload/fd/reglement/etiske-retningslinjer-for-naeringslivskontakt-I-forsvarssektoren_2011_s-1001-b_web.pdf.
2. That contact between the MD or underlying agencies shall be exclusively professional and based on good business practices. This means, for example, that it is not permitted to offer any benefits to an employee or other parties who perform work for the MD or underlying agencies, which may be apt to influence their official duties. This applies regardless of whether the benefit is offered directly or through an intermediary.
3. In connection with the submission of a tender, together with the tender information should be provided on the extent to which:
 - a. the enterprise, or other parties who can be identified with the enterprise, have participated in the preparation of the specifications for this procurement,
 - b. the enterprise has hired, or affiliated itself with, anyone who has been an employee of the MD or underlying agencies during the past two years, calculated from the closing date for tenders,
 - c. the enterprise is undergoing liquidation, debt settlement or winding-up procedures, has ceased operations, or if the enterprise finds itself in a similar process pursuant to national acts and regulations,
 - d. the enterprise is subject to an insolvency petition, debt settlement proceedings or compulsory dissolution or other similar process pursuant to national acts and regulations,
 - e. the enterprise, employees or other parties who can be identified with the enterprise, have by an enforceable judgement been found guilty of criminal offences concerning professional conduct, such as the violation of national or international regulations relating to the export of defence and security materials,
 - f. the enterprise, employees or other parties who can be identified with the enterprise, have been convicted with final and enforceable effect for participation in a criminal organisation, corruption, fraud, money laundering, terrorist acts or the financing of terrorist acts, or
 - g. the enterprise, employees or other parties who can be identified with the enterprise, have in their professional life been found guilty of serious negligence concerning professional or ethical requirements in the industry in question, for example by breaching obligations relating to information security or security of supply in a prior contract.
4. Conduct in violation of section 2 of this Code of Conduct Statement, or grossly misleading or incorrect information, or the omission of this information in accordance with section 3 of this Code of Conduct Statement, may entail rejecting the submission of tenders to the MD or underlying agencies.

Dato:

.....
Signature and title

Appendix 3 - Subcontractors' Statement of Commitment

The declaration applies to:

Contract	
Project no. and name:	Contract no. and name:
Bidder/Primary Contractor	
Company name:	Enterprise no.:
Independent Contractor/Subcontractor	
Company name:	Enterprise no.:
Address:	

We declare that we will place our resources at the disposal of the bidder/main contractor in the event of implementation of the above contract.

Place/Date: _____

Independent Contractor/Subcontractor's signature

Appendix 4 – Price Form

ABOUT THE PRICE FORM

General information

The Price Form contains various prices. All the open fields on this form must be filled in/priced by the contractors.

Unless otherwise is evident from the context, all prices should be quoted in Norwegian kroner, exclusive of VAT.

Section 1

The tender sum should be entered in Section 1. This will normally represent the compensation for the performances that are ordered on entering into the contract.

Section 2

In section 2, state the prices of the options described in the tender documentation. The options entail the right, but no obligation, to order optional services. The Norwegian Defence Estates Agency is free to decide whether or not these works will be executed, or possibly outsourced to other contractors.

Sections 3 and 4

Sections 3 and 4 contain prices for other services it may be relevant for the builder to order, either upon signing the contract or during the performance of the contract. These sections may contain quantity estimates. These have solely been set to provide a basis for comparing tenders in the competition. The estimates are non-binding and should not be cited in support of such work being executed.

1. TENDER SUM

2. TENDER SUM

Code NS 3451	Description in the building elements table	Price
0.0	Sea barriers Hovedkai:	
0.1	Rigging and operation	
0.2	Engineering	
0.3	Delivery and transport	
0.4	Assembly and installation	
0.5	Sea barriers equipment	
	Tender sum excl. VAT	
	VAT	
	Tender sum incl. VAT	*

** Amount is included in the evaluation of the award criterion 'price'*

3. PRICE OPTIONS

Name of option 1

Code NS3451	Description in the building elements table	Price
0.0	Sea barriers Store– Lille Bogøy	
0.1	Rigging and operation	
0.2	Engineering	
0.3	Delivery and transport	
0.4	Assembly and installation	
0.5	Sea barriers equipment	
	Tender sum excl. VAT	
	VAT	
	Tender sum incl. VAT	*

** Amount is included in the evaluation of the award criterion 'price'*

Name of option 2

Code NS3451	Description in the building elements table	Price
0.0	Sea barriers Hetlevikstraumen.	
0.1	Rigging and operation	
0.2	Engineering	
0.3	Delivery and transport	
0.4	Assembly and installation	
0.5	Sea barriers equipment	
	Tender sum excl. VAT	
	VAT	
	Tender sum incl. VAT	*

** Amount is included in the evaluation of the award criterion 'price'*

Name of option 3

Code NS3451	Description in the building elements table	Price
0.0	Sea barriers Vaagedalen (Laksevåg).	
0.1	Rigging and operation	
0.2	Engineering	
0.3	Delivery and transport	
0.4	Assembly and installation	
0.5	Sea barriers equipment	
	Tender sum excl. VAT	
	VAT	
	Tender sum incl. VAT	*

** Amount is included in the evaluation of the award criterion 'price'*

4. RATES COST PLUS PRICING**Crew**

Category	Unit price (per hour)	The NDEA's estimated quantity (hours)	Total
Project Manager		100	
Designers		200	
Workers (average price) Contractor must list type of workers with different hourly rates.		1,000	
Divers		100	
Special workers (average price) Contractor must list type of workers with different hourly rates.		500	
Total excl. VAT			
VAT			
Total incl. VAT			*

** Amount is included in the evaluation of the award criterion 'price'*

Materials

Category	Mark-up per cent	The NDEA's estimated value of materials (NOK)	Total
Purchased materials	%	5,000,000	
VAT			
Total incl. VAT			*

** Amount is included in the evaluation of the award criterion 'price'*