

**TENDER  
FOR  
COMPETITION  
WITH  
NEGOTIATION**

**(RESTRICTED COMPETITION)**

**Project 1003701 PNN-BUT  
K919.2 – Motorized easel**

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## 1 General about the assignment

### 1.1 Invitation and orientation

Statsbygg requests in connection with the project:

Number: 1003701

Title: Project New National Museum, user equipment project

to conduct a qualification of participants who may be interested in submitting offers:

#### **K919.2 – Motorized easel**

The new National Museum will become the largest art museum in the Nordic region with its gross building area of approx. 54,600 sqm. The museum will gather and present visual arts, crafts, design and architecture. The location is nearby the Town Hall Square in Oslo before the entrance to Aker Brygge.

This procurement is conducted by the Statsbygg user equipment project, which includes other procurements in addition to the construction project such as display cases, lighting, furniture in public area, furniture back of house, wayfinding signage and digital content production with more. The user equipment project is also part of the process of developing workplaces by designing and delivering solutions for the museum's dissemination areas, workshops and conservation studios etc. The user equipment project amounts to approximately 22,000 square meters and has a cost frame of NOK 590 million.

For more detailed information about the project, see

[http://www.nasjonalmuseet.no/en/the\\_national\\_museum/the\\_new\\_national\\_museum/](http://www.nasjonalmuseet.no/en/the_national_museum/the_new_national_museum/)

The tender consists of the following documents:

- **Tender document (this document)**
- **Technical specification K919.2 – Motorized easel**
- ***Draft contracting document included Statsbyggs Redbook***
- **Price offer form**
- **Information on VAT-regulations etc.**

A minimum of 3 suppliers will be invited to submit offers if there is a sufficient number of qualified suppliers. Those invited will receive notification by email from Merccell Portal.

### 1.2 Announcement

The competition is announced through the DOFFIN and the TED database via Merccell, publishing started on the 18<sup>th</sup> of February 2019.

### 1.3 Timeline for the procurement process

See section 2.5 in the Qualification basis. The timeline is tentative.

## 1.4 Special conditions

### 1.4.1 Amount specification

Based on the current drawings and descriptions, the amounts are measured in accordance with the Norwegian Standard measuring rules where available, and according to the usual practice of the respective works, unless otherwise is specified. If the bidder corrects the amounts in the technical description, it must be stated separately in their tender letter.

### 1.4.2 Local condition

Providers should during the preparation of this offer consider contextual matters of importance to the delivery such as the place of delivery, its neighbourhoods and contact with relevant authorities. This applies e.g., transport options to the place of delivery, access to electricity, water, telephone, etc.

### 1.4.3 The pricing of the tender

For all deliveries included in this offer, the specified equipment(s) shall be included, together with all other services necessary for a complete delivery must be priced, e.g., mounting, cables and costs of any kind necessary to carry out the delivery in a proper manner in accordance with the documents specification, collective agreements, laws, regulations or other requirements provided by Statsbygg or information given as part of the tender conference (including VAT and all surcharges, such as social expenses, administration, travel, diet and profits, etc.).

The offer prices must be fixed, and they are not subject to regulation.

### 1.4.4 Descriptive text

The requested requirements for a complete delivery as described in the tender documents are part of the supplier's obligation even if they are not repeated in price-bearing items.

### 1.4.5 Services or items not priced in the offer

If parts of a specific delivery are not priced in the offer, Statsbygg considered these as calculated in other parts of the offer, unless otherwise is stated in the provider's tender letter.

### 1.4.6 Product description

If the tender document indicates "product name or equivalent", equivalent products may be offered. The provider must prove that the quality and functional requirements are met.

Unless the provider expressly reserves the right to deliver a product that differs from the specification, if he receives the contract and regardless of the quality and characteristics of the offered product, s/he is obliged to deliver a product within the limit of the offer price equal to the product specified in the specification.

## 1.5 Contractual terms

The contractual relationship will be regulated by the standard terms in Statsbyggs Redbook.

Providers need to note that the invoices and credit notes must be sent electronically to Statsbygg invoice receipt in accordance with the standard Electronic Commerce Format (EHF), issued by the Norwegian Ministry of Government Administration. The invoice and credit note shall be communicated via access point in the messenger infrastructure managed by DIFI.

## 1.6 Contract period

Delivery date will be agreed with the relevant supplier in the negotiations

## 1.7 Service- and maintenance contract

The Client wants to have a service and maintenance agreement with the supplier. This agreement shall include information on training the museums personnel, periodic maintenance and service conditions. The supplier is requested to offer such an agreement in its offer.

## 1.8 Ethical requirement (applies to goods procurement)

Contractual obligations are imposed on the respect for human rights and compliance with International Labour Organization (ILO) core conventions, as well as requirements for providers follow-up and the developer's control of these.

## 1.9 Recycling used packaging (applicable to goods purchases)

If a Norwegian supplier (manufacturer or importer) uses packaging, documentation must be provided that the supplier is a member of a recycling arrangement or fulfils the obligation through his/her own recycling arrangement, with his/her own final disposal order where the packaging is handled in an environmentally sound manner (Green Point Norway AS or equivalent return scheme).

## 1.10 Information meeting / Onsite visit

There will **not** be held a joint information meeting / tender offer conference for the invited providers prior to the tender deadline.

However, the respective providers will be taken to an onsite visit as part of the first negotiation meeting.

## 1.11 Additional information/ Corrections of the qualification basis

**If the providers experience limitation of the qualification basis e.g., the documents are not providing sufficient guidance, or the basis is setting requirements that the providers cannot accept, s/he may request additional information by addressing questions and requests through the Mercell portal (Only the portal shall be used for all types of inquiries regarding the qualification).**

**This also applies if it is found incorrectly information in the qualification basis.**

**It is encouraged that questions regarding the qualification basis should be addressed as early as possible to the Mercell portal and in sufficient time ahead of the deadline for submission, so that Statsbygg can assess whether the qualification documents should be changed, clarified or elaborated.**

The questions will be anonymized when published and responded on the Mercell portal by Statsbygg. Moreover, if the questions require corrections of the qualification basis these will also be published in the Mercell Portal. All those who have registered their interest, cf. 1.1 above, will receive notification by email from Mercell Portal.

## **2 Orientation about the project and assignment**

### **2.1 Tentative progress plan**

The production phase and the delivery date will be discussed with the relevant supplier in the negotiations

### **2.2 External environment**

Statsbygg has environmental requirements and environmental objectives for all projects, ref. Statsbygg's environmental strategy. That is, environmental requirements and environmental goals have been set for the project. See more about this in the specification of the item.

## **3 General rules for the competition**

### **3.1 Public procurement act**

The competition is conducted in accordance with the Public procurement act of 17 June 2016 No. 73 (LOA) and Public procurement decree of 12 April 2016 No. 974 (FOA) Part I and III, as well as the requirements set in the tender basis.

This procurement follows the procedure "Competition with negotiations".

The competition is conducted as a two-stage negotiation competition.

However, Statsbygg reserves the right to not conduct negotiations and to negotiate in several phases so that the first reduction of participants can take place after the first stage of negotiation.

### **3.2 Negotiating principles / implementation of negotiations**

The competition shall be conducted in an objective and sound manner that gives equal treatment to the providers. Providers are not entitled to, through an agreement, concerted practice or otherwise, to seek to influence the competition's outcome.

It is possible to negotiate all aspects of the tender basis, such as commercial terms, staffing, price and technical specifications. Statsbygg reserves the right not to negotiate.

Negotiations will take place in several phases. A reduction in the number of providers invited for negotiations will be based on the award criteria in the pre-qualification prior to the negotiations. In that context, and because Statsbygg has reserved the right not to negotiate, the providers are encouraged to deliver their best offer at the time of submission.

### **3.3 Confidentiality**

Statsbygg and its employees are obliged to prevent others from gaining access to knowledge of business sensitive matters concerning e.g., technical facilities and procedures or operating and business conditions that will be of a competitive importance, cf. Section 13 of the Public Administration Act.

### 3.4 Publicity

The tender opening is not public. The procurement details of participants will not be published until the negotiations and the tender evaluation have been finalized.

### 3.5 Competition cancellation and total rejection

Statsbygg reserves the right to cancel the competition if there is a reasonable cause, for example, if planned funding is withdrawn or lack approval from political parties.

Statsbygg is obliged to reject suppliers who do not meet the required qualification requirements.

Otherwise, the provisions on rejection in section 24-2 of the FOA apply in full.

Rejected and prohibited requests will not be returned to the sender.

## 4 Statsbygg evaluation of tenders

### 4.1 Contract awarding

The offers will be evaluated in relation to the listed award criteria, and the evaluation will be based on the submitted documentation. It is therefore important that the offers contain all the required documentation. **Providers who do not attach the requested documentation, may be rejected.**

The contracting supplier (s) must, before entering into a contract, document the fulfillment of the qualification requirements in accordance with the stated documentation requirements in the qualification basis, if this has not already been done before the submission of tenders.

### 4.2 Award criteria for the competition

The contract is awarded to the provider who has the best relationship between price, product quality and quality of implementation, based on the following criteria:

Weight	Award criteria	Documentation
30–40 %	Price	Pricing form completed and signed.
60–70 %	Product quality, including -technical and functional solution -guarantees (beyond those in requirements) -service and technical assistance - User friendly operation	Statement of the offered product to fulfil the requirements of the request. The Statement should not be more than 5 A4 pages.  The assessment is based on the supplier's response and provider's description of the delivery. The response should contain information about the award criteria's.

### 4.3 Award of contract, reasons and period of appeal

Participating providers in the competition will receive a written feedback informing about who was awarded the contract, reasons for the election, as well as the length of the period of appeal.

## 5 Deviation from the tender basis

### 5.1 Reservations and deviations

**Statsbygg encourages the providers to make an offer without reservations or deviation. Thus, providers should instead of reservations or deviations rather ask questions to Statsbygg, cf. point 1.12 above. It is emphasized that the provider can risk making uncertainties in his/her own offer as a result of reservations and deviations, and such uncertainties may lead to rejection. Moreover, before a provider make an offer including reservations or deviations, s/he should consider potential legal consequences.**

If reservations or deviations are made, reservations / deviations must be clearly stated in the offer letter. Reservations / deviation should be precise and explicit, so that Statsbygg can evaluate these without needing to contact the provider. Furthermore, reservations / deviation that cannot be priced by Statsbygg, will probably result in rejection of the offer.

There is no possibility to make reservations about basic elements in the competition document.

Reference to standardized delivery terms or the like will be considered as a reservation to the extent that they deviate from the applicable competition rules and contractual terms. Such reservations may result in the offer being rejected.

Reservations for adjustment of the contract price, including currency prejudice, will not be accepted.

Reservations for advance payment beyond what is specified for the current contract will not be accepted.

### 5.2 Alternative offer

It is not permitted to provide alternative offer. Offers other than those specified or otherwise not in accordance with the tender documents will be considered as an offer with reservations or non-conformities, cf. 5.1 above.

### 5.3 Offer on parts of the contract

It is not permitted to submit tenders for part of the contract.

## 6 Requirement for the offer

### 6.1 Electronic offer

The offer shall be delivered electronically via the Mercell portal; [www.mercell.no](http://www.mercell.no). The same applies for changing the offers.

**Offers submitted differently, will be rejected.**

The following file formats are accepted. The files must be virus free and not encrypted:

Text document: PDF / A, XML, TIFF or Word

Tables: Excel



Image files: JPEG or TIFF  
Map: TIFF  
Video: MPEG 2  
Audio: MP3, PCM or PCM-based Wave

**Infected and encrypted files, as well as files in a format other than above, will be rejected in Merccell Portal / Statsbygg's computer system, and the request evaluated as if such files were not delivered.**

### **6.2 Minimum period of time the offers are binding**

The offer is binding in three months, calculated from the offer due date. The original offer remains binding even though new deals are being made during the negotiations.

### **6.3 Offer's language**

The offer and all complementary documents shall be given in Norwegian or English.

### **6.4 What is to be delivered - what file structure should be used?**

- 1-1 Offer letter, specifying the offer price and any deviations / reservations from the tender documents. The offer letter must be signed.**
- 2-1 Offers form in completed and signed condition (attachment)**
- 2-2 Description of the awarding criteria, see section 4.2**
- 3-1 Service and maintenance agreement, see section 1.7**
- 4-1 The offer in a censored version**
- 5-1 Table of contents**

Participants request to follow the above numbering to facilitate archiving and retrieval of documentation upon their request offerings and name the files as shown above in bold. Documentation should be titled with the number first without using subfolders.

**Requests lacking information and documents as requested in this qualification basis or requests which do not meet the qualification requirements as specified may be rejected.**

### **6.5 Location for submission and deadline**

The offer must be delivered electronically via Merccell Portal. [www.merccell.no](http://www.merccell.no).

**The deadline for submission of offer will be determined after the pre-qualification process.** *(this will be updated after prequalification)*

Offers arriving too late may be rejected.

(Note that the electronical system is not allowing offers delivered after the expiration of the deadline via the Merccell Portal).

### **6.6 About the Merccell portal**

Providers need user login in order to submit offers via the Merccell Portal.

