

INVITATION FOR PRE-QUALIFICATION

Procurement according to the Regulations on Procurements in the Defence and Security Sector (FOSA)

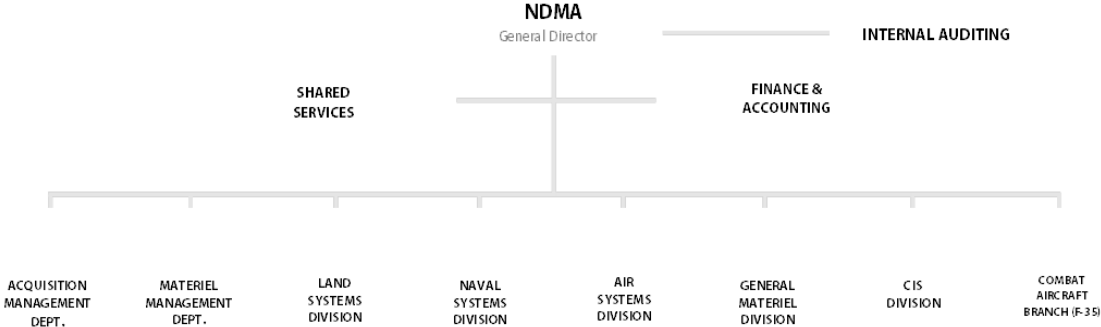
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1. Introduction

1.1 About the Purchaser

This procurement is carried out by the Norwegian Defence Materiel Agency (NDMA).

NDMA is an agency in the Norwegian Defence Sector and is directly subordinate to the Norwegian Ministry of Defence (MoD). NDMA shall ensure that the Norwegian Armed Forces and other undertakings in the defence sector shall gain access to cost-efficient, safe materiel in accordance with adopted long-term plans. NDMA’s main tasks are planning, acquisition, management and disposal of materiel for the Norwegian Armed Forces (Armed Forces) and other MoD agencies. NDMA is the technical competent authority in certain areas and provides the Ministry of Defence, the Armed Forces and other parts of the sector with advice and expertise within the agency’s area of responsibility. NDMA also follow up international partnerships relating to materiel and assist the Ministry of Defence to promote Norwegian industry. NDMA has approximately 1,450 employees, 60% of whom are civil employees and 40 % military.



Land Systems Division is responsible for acquiring and ensuring the delivery of needed ground combat and support equipment for the Norwegian Armed Forces.

Naval Systems Division delivers timely and relevant naval materiel to the Norwegian Armed Forces and ensures the technical availability of reliable materiel in a cost-effective manner.

Air Systems Division plans, acquires, manages and phases out air combat and support materiel on behalf of the Norwegian Armed Forces.

General Materiel Systems Division is responsible for ammunition, personal clothing and equipment, base systems, provisions, oil and lubricants, chemicals, CBRN protection and medical supplies on behalf of the Norwegian Armed Forces and other Ministry of Defence entities. General Materiel Systems Division’s contracting authority is integrated in Land Systems Division.

Communication Information Systems (CIS) Division is responsible for technical management, procurement and renewal of secure ICT systems for the Norwegian Armed Forces and parts of the government administration.

Combat aircraft F-35 Branch is organized as an independent unit as long as the acquisition of fighter planes is ongoing. Combat aircraft F-35 Branch’s contracting authority is integrated in Air Systems Division.

Land Systems Division will execute this procurement.

The Norwegian Defence Materiel Agency will in the following be referred to as NDMA or ‘the Purchaser’.

Further information is available on the following website: www.forsvarsmateriell.com.

1.2 The prospective Contractor(s)

The prospective Contractor(s) will be referred to as the “Candidate” in the pre-qualification phase of the procurement.

1.3 Objective of the pre-qualification

The objective of this pre-qualification is to find qualified Candidates that have the ability and opportunity to compete for a contract comprising for the objective of the procurement, cf. 1.4. Only Candidates found qualified will receive the Invitation to Tender (ITT).

1.4 Scope of the procurement

The Norwegian Armed Forces has the following systems in service:

Leopard 1 - family:

- Armoured Recovery Vehicle (NM217) (Based on BPz 2) (ARV)
- Armoured Engineer Vehicle (NM189) (AEV)
- Armoured Vehicle Laying Bridge (NM190) (AVLB)

Leopard 2 - family:

- Leopard 2 A4 Main Battle Tank (MBT)
- Armoured vehicle launch bridges (delivery from 2022) (AVLB)
- Wisent 2 Armoured Recovery Vehicle NOR (ARV)
- Wisent 2 Armoured Engineer Vehicle NOR (AEV)

The objective of the procurement is to meet the Norwegian Armed Forces’ need for spare parts, special tools and test equipment (STTE) and overhauling of components for Leopard family as specified in the table below:

	Chassis	System specific parts
Leopard 1		
ARV	x	x
AEV	x	x
AVLB	x	x
Leopard 2		
Leopard 2 A4 MBT	x	x
AVLB	x	
ARV	x	
AEV	x	

It is of the uttermost importance that spare parts, overhauling of components and special tools and test equipment (STTE) are qualified and approved for use in the respective systems in service. This is important to ensure operability and system safety.

The Candidate may apply for participation even though the Candidate only can deliver parts of the scope. This has to be described in the application.

The full description and requirements will follow in the ITT to those candidates that will be invited to submit a tender.

1.5 Form of Agreement

The Purchaser intends to enter into one or more framework agreements with more than one Contractor for the scope of this procurement, cf. 1.4. The future procurements within these framework agreements will be completed as mini competitions between the contractors.

The framework agreements will be valid for 4 years, with option for prolongation for additional 3 + 3 years. The agreement will be non-exclusive with no fixed yearly fee.

The total value of the framework agreement is difficult to define, but it's estimated to be within 150 - 350 MNOK. The value will depend on the budget within NDMA and the Norwegian Armed Forces and the possibility for changes regarding systems in service.

The Purchaser is planning a first purchase of spare parts/component overhaul for the Leopard 2 A4 MBT after the framework agreement is signed.

1.6 Users

The users of the framework agreement will be the Norwegian Armed Forces (NAF) and Norwegian Defence Materiel Agency (NDMA).

1.7 Interdependent with existing agreements

There are existing CLS agreements for P5430 Armoured Recovery Vehicles (ARV) and P5049 Armoured Engineer Vehicles (AEV). The purpose of these agreements are to make sure that the Norwegian Armed Forces's need for reliability, availability, maintainability and mission success of ARV and AEV are maintained over the systems lifetime.

The Purchaser also intends to enter into a CLS agreement for P5045 Armoured vehicle launch bridges Leopard 2 (AVLB).

These CLS agreements will be valid in parallel to the framework agreement that this competition is regarding. In differ from the existing CLS agreements, the new framework agreement will be independent of vehicle type.

NDMA and the Norwegian Armed Forces can also purchase materiel from other existing agreements, for example from COOPLOG¹ and NSPA².

¹ Cooperative Logistics between Norway and Germany

² NATO Support and Procurement Organisation

1.8 Structure of the qualification documents

The invitation for pre-qualification consists of the following documents:

Main document	Invitation to pre-qualification (this document)
Appendix 1	Application for pre-qualification
Appendix 2	Declaration of Commitment
Appendix 3	Self-declaration regarding Health Environment and Safety
Appendix 4	Ethical statement for suppliers to the Royal Norwegian Ministry of Defence with underlying agencies
Appendix 5	Prudence, Non-disclosure and Conflict of Interest
Appendix 6	Regulations on industrial co-operation related to defence

2. Implementation of the pre-qualification

2.1 Communication

The communication concerning this pre-qualification will be carried through the Purchaser's procurement portal Mercell.

2.2 Governing rules and procurement procedure

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 4 October 2013 no. 1185 on Defence and Security Procurements (FOSA).

The Norwegian Public Procurement Act and FOSA are available at www.lovdاتا.no.

The procurement will be carried out based on competition with negotiation in accordance with FOSA § 4-2 (d) and § 5-1. Candidates that wish to participate in the procurement are invited to submit an application for qualification according to this invitation.

The Purchaser reserves the right to limit the number of candidates that fulfil all the qualification requirements listed in section 4 based on the selection criteria set out in section 5. The applicable candidates will receive an invitation to tender.

2.3 Schedule

The Purchaser plans to carry out the procurement in accordance with the schedule provided below.

The due date for receipt application for pre-qualification is absolute, and applications submitted after the deadline will be rejected. The other scheduled dates are tentative and the Purchaser may make adjustments during the process.

ACTIVITY	DATE
Pre-qualification	
Pre-qualification notice published in DOFFIN/TED	16/01/2020
Deadline for posing questions regarding Invitation for pre-qualification	11/02/2020
Due date for receipt of application for pre-qualification	25/02/2020 15:00 CET
Evaluation of the pre-qualification	March 2020
Notification of pre-qualification results	March 2020
Tendering phase	
ITT submitted to pre-qualified Candidates	April 2020
Deadline for receipt of tenders / Tender due date	June 2020
Contract signature	September 2020
Tender validity date	31/12/2020

2.4 Questions about the invitation to pre-qualification

Any questions the Candidate may have regarding the invitation for pre-qualification must be submitted within the deadline stated in section 2.3.

The questions shall be submitted via the Mercell portal. All questions will be answered anonymously and made available to everyone who has registered in the portal, well before the deadline for submitting applications.

2.5 Corrections, additions and/or changes to the invitation for pre-qualification

Up to the due date for the application, the Purchaser is entitled to make non-material corrections, additions and changes to the invitation for pre-qualifications.

Corrections, additions and/or changes to the invitation for pre-qualifications will be made available to everyone who has registered in the portal.

2.6 Withdrawal or change of application for pre-qualification

The Candidates may withdraw or change the application for pre-qualification until the pre-qualification due date. Last submitted version will be evaluated.

3. Administrative provisions

3.1 Language

Written and oral communication in connection with this competitive tender procedure will be conducted in Norwegian or English. The language requirement also applies to the application itself. The Candidate carries the risk for the Purchaser not taking into account information communicated in other languages.

3.2 Public disclosure and duty of confidentiality

The Freedom of Information Act applies to public access to documents relating to a public procurement. The Purchaser and its employees have a duty to prevent others from gaining access to and knowledge of information about technical installations and procedures or operational and business matters that should be kept secret for competitive reasons, cf. the Public Administration Act § 13.

The Candidate may submit a redacted version of their application in addition to an un-redacted application version of the application. Examples of such classified information can be personal data, reference descriptions, information about partners, unit prices, hourly rates etc.

Notwithstanding the above, the Purchaser is obligated to perform an independent review as to whether documents and/or information may be excluded from the public domain.

3.3 Ethical guidelines and general procedural requirements

Employees of the defence sector shall act in accordance with good business practice and ensure a high standard of business ethics in their case processing throughout all phases of the procurement process. All Candidates incl. their collaborating partners shall adhere to the same principles. Reference is made to appendix 5 Prudence, Non-disclosure and Conflict of Interest.

The Candidate shall sign Appendix 1 to confirm that Appendix 4 Ethical Statement for Suppliers to the Royal Norwegian Ministry of Defence with underlying agencies is read and understood. If any of the situations listed in Appendix 4 article 3 letters a) – g) applies to the Candidate's company, this shall be stated in the application.

3.4 Requirements concerning Industrial co-operation

For Candidates, suppliers and subcontractors located outside European Economic Area (when the contract value exceeds the threshold of 50 MNOK) the Candidate will have to enter into a binding industrial co-operation agreement. The Industrial Co-operation Agreement will be negotiated separately and signed before the procurement contract is signed. The regulations on Industrial Co-operations related to defence acquisitions are to be found in Appendix 6.

3.5 Candidates' participation cost

Any cost incurred by the Candidate in connection with this procurement will not be reimbursed. Participation in the tender will in no way oblige the Purchaser to enter into a contract with the Candidate, or involve the Purchaser in financial obligations.

4. Qualification requirements

4.1 Introduction

In order to be qualified to participate in this competition the Candidate must fulfil the qualification requirement set out below. The qualification requirements are followed by one or more documentation requirements.

It is the Candidate's responsibility to ensure that all requested documentation is submitted in accordance with the qualification requirement.

The Candidate shall inform the Purchaser immediately should there be any change in the information submitted.

4.2 Fulfilling qualification requirements with the use of other enterprises

The Candidate may rely on the capacity of other enterprises to meet qualification requirements. However, a Candidate may not rely on the capacity of other enterprises regarding quality assurance requirements. "Other enterprises" should be understood as parent company, partners, subcontractors, and such.

Groups of economic operators may, also when they have come together in the form of a temporary association (consortiums, joint ventures etc.), apply for pre-qualification without it being necessary for them to take on a specific legal form. However, before contract signature the Purchaser may to the extent it finds it necessary, require the group to take a specific legal form or commitment where joint and several liability is required.

If a Candidate relies on the capacity of other enterprises, it shall document that the necessary resources are at its disposal, for example by enclosing a declaration of commitment from these enterprises.

Where groups of economic operators participate in the tender collectively, all participating Candidates shall submit separate applications for pre-qualification. If the Candidate relies on the capacity of other entities to fulfil the qualification requirements to economic and financial capacity and/or for technical and professional qualifications, a signed declaration of commitment shall be enclosed, see Appendix 2 Declaration of commitment.

4.3 Requirements concerning taxes etc

REQUIREMENT NO 1	DOCUMENTATION
<p>The Candidate shall fulfil its obligations regarding payment of tax and VAT.</p>	<p>The Candidate shall document that it properly fulfils its obligations regarding the payment of tax and VAT.</p> <p>Tax certificate which is not older than 6 months calculated from the application deadline. Tax certificate means:</p> <p><u>For Norwegian candidates:</u></p> <p>Certificate issued by a tax collector or the Norwegian Tax Administration regarding:</p> <ul style="list-style-type: none"> ○ Value added tax ○ Tax ○ Payroll tax

	<p><u>For Foreign candidates:</u></p> <p>Foreign candidates must have corresponding certificates from their authorities documenting that they have complied with the rules and regulations relating to taxes, VAT fees, duties etc. If the authorities do not issue such certificates, the Candidate shall forward a statement confirming that all such taxes have been paid. The Statement shall be confirmed and signed by the Candidate’s Chief Financial Officer and auditor.</p>
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4.4 Requirements concerning candidate’s registration, authorisation etc.

REQUIREMENT NO 2	DOCUMENTATION
<p>The Candidate shall be registered in a register of business enterprises, a professional register or a trade register in the state in which it is established.</p>	<p><u>Norwegian candidates:</u></p> <ul style="list-style-type: none"> • Certificate of registration (<i>Firmaattest</i>). <p><u>Foreign candidates:</u></p> <ul style="list-style-type: none"> • Confirmation that the Candidate is registered in a register of business enterprises, a professional register or a trade register in the state in which it is established.

4.5 Requirements concerning candidate’s economic and financial capacity

REQUIREMENT NO 3	DOCUMENTATION
<p>The Candidate shall have the necessary economic and financial capacity to perform the contract.</p>	<p>The Candidate’s annual accounts (including notes with the board of directors’ report and auditor’s report) from the last three years (2016, 2017 and 2018).</p> <p>If the Candidate has reasonable grounds for not submitting the required documentation, it may document its economic and financial capacity by presenting any other document that the Purchaser considers appropriate.</p>

4.6 Requirements concerning technical and professional qualifications

If, for any valid reason, the Candidate is unable to provide the references requested by the Purchaser, it may prove its technical and/or professional ability by any other document which Purchaser considers appropriate.

REQUIREMENT NO 4	DOCUMENTATION
<p>The Candidate shall have experience within the scope of the procurement, cf. 1.4.</p>	<p>Description of the three most relevant assignments during the past three years. The description shall include the following information:</p> <ul style="list-style-type: none"> • A brief description of the delivery • The value of the assignment • The time at which it was carried out • The recipient (name, phone number, email address) <p>The Candidate is responsible for documenting the relevance of the assignment.</p>
REQUIREMENT NO 5	DOCUMENTATION
<p>The Candidate shall have the necessary capacity and technical facilities to fulfil the Contract.</p>	<p>A brief description of the following to fulfil the contract:</p> <ul style="list-style-type: none"> • tools, material and technical equipment at the Candidate's disposal, • staff numbers and know-how and/or sources of supply which the Candidate has at its disposal • technical facilities
REQUIREMENT NO 6	DOCUMENTATION
<p>The Candidate shall only deliver spare parts and special tools and test equipment (STTE) that are qualified and approved for use in the respective systems in service.</p>	<p>The Candidate shall describe how the spare parts and special tools and test equipment are approved and qualified.</p>
REQUIREMENT NO 7	DOCUMENTATION
<p>The Candidate shall overhaul components in accordance with the original equipment manufacturer (OEM) procedures and specifications.</p> <p>The Candidate shall be familiar with any changes / modifications done to the components through the Engineering Change Proposal (ECP) system in Leopard Benutzerstaaten (LEOBEN).</p>	<p>The Candidate shall describe the documentation he has access to and how the Candidate gets access to documentation updates in relation to OEM and LEOBEN.</p>

REQUIREMENT NO 8	DOCUMENTATION
<p>The Candidate shall have established, implemented and maintained a Quality Management System (QMS) that complies with the requirements of ISO9001:2015 or equivalent.</p>	<p>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.</p> <p>If the Candidate does not have an ISO 9001:2015 third party certification, the Candidate shall enclose a compliance matrix 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).</p>
REQUIREMENT NO 9	DOCUMENTATION
<p>The scope of the Candidate's QMS shall cover the products and services covering the scope of the procurement (Ref. ISO 9001:2015 Determining the scope of the quality management system).</p>	<p>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.</p> <p>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.</p>
REQUIREMENT NO 10	DOCUMENTATION
<p>The Candidate shall declare willingness to accept the applicable Allied Quality Assurance Publication (AQAP) 2110 Ed. D Version 1 - NATO Quality assurance requirements for design, development and production as a contractual requirement.</p>	<p>The Candidate shall state its willingness to accept AQAP 2110 Edition D Version 1 as a contractual standard.</p>
REQUIREMENT NO 11	DOCUMENTATION
<p>The Candidate shall have an expedient environmental management system.</p>	<p>A description of environmental management measures implemented in the enterprise.</p> <p>If the Candidate is certified to ISO 14001 or an equivalent standard, a copy of a valid certificate is sufficient.</p>

4.7 Requirements concerning Security of supply

REQUIREMENT NO 12	DOCUMENTATION
<p>The Candidate shall be able to fulfil the contractual obligation regarding export, transfer and transit of goods associated with the contract.</p>	<p>Foreign candidates shall submit certification or documentation demonstrating that the Candidate will be able to honour its obligations regarding the export, transfer and transit of goods associated with the contract. The documentation shall include:</p> <ul style="list-style-type: none"> • Reference to export/transfer of goods delivered to Norway or other EU/EEC states • Documentation from the Candidates authority that export requirements are fulfilled • If export license do not exists, a plan for application for getting necessary licenses <p>Foreign candidates shall document indication of any restriction on the Purchaser regarding disclosure, transfer or use of the products and services or any result of those products and services, which would result from export control or security arrangements.</p>
REQUIREMENT NO 13	DOCUMENTATION
<p>The Candidate shall have an organisation and location of the supply chain which allow it to comply with the requirements concerning security of supply</p>	<p>A description of the supply chain, including capacity and production sites of the supply chain</p> <p>A commitment to ensure that possible changes in its supply chain during the execution of the contract will not affect adversely compliance with these requirement.</p>

4.8 Requirements concerning health, environment and safety declarations

REQUIREMENT 14	DOCUMENTATION
<p>The Candidate must follow all national statutory provision concerning health, environment and Safety (HES).</p>	<p>The Candidate shall submit a statement confirming that he will follow all national statutory provision concerning health, environment and safety, ref. Appendix 3 Self-declaration regarding health, environment and safety. For works/services that are being performed in Norway the Candidate must fulfil Norwegian HES – requirements.</p>

5. Down selection of qualified candidates

5.1 The number of candidates invited to submit tenders

The Purchaser reserves the right to limit the number of qualified candidates who are invited to submit tenders. Provided that there are a sufficient number of qualified candidates, the number of participants invited to submit a tender will be minimum 3 candidates. The evaluation will be based on the documentation received in the application.

5.2 Selection criteria

The selection will be made from the best qualified candidates according to the qualification requirements given in section 4, with special attention to the Candidates experience and technical requirements. The ability to deliver a wider range of the scope will be emphasized.

6. Submission of application for pre-qualification

6.1 Application structure

The application shall be uploaded in the Mercell portal and shall contain the documents requested in section 4.

In order to simplify the review and evaluation of the applications, the Purchaser requests that:

- The files are submitted in the PDF-format
- The files are identified to reflect the content of the file

6.2 Request for participation in the entire or parts of the delivery

It is possible to submit requests for participation relating to only parts of the procurement, cf. 1.4.

6.3 Notification of results of qualification

The Purchaser will inform the Candidates of the results of the pre-qualification in writing. If the Candidates have not been pre-qualified, a brief explanation will be given.

6.4 Deadline for request for interim injunction

Request for an interim injunction against the Purchaser's decision to exclude or reject a request for participation in the tender must be put forward to the District Court within 15 calendar days calculated from the day after the notice of exclusion or rejection was submitted.