

“Cyber Threat Intelligence Platform”

Basis of competition

Competitive with negotiation

(Public Procurement Regulations part I and III)

Case 20-5997

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Basis of competition

1 Introduction

1.1 About the client

This procurement is being conducted by Norges Bank (the central bank of Norway).

Norges Bank has the objective of promoting economic stability in the country. The bank has executive and consulting tasks in monetary policy and will contribute to a robust and effective payment system and financial markets. Norges Bank administrates the country's currency reserves and the Government Pension Fund Global.

Norges Bank's core tasks:

- Promote price stability through monetary policy.
- Promote financial stability and contribute to robust and effective financial infrastructures and payment systems.
- Operate effective and confidence-inspiring portfolio management of the Government Pension Fund Global and the bank's own currency reserves.

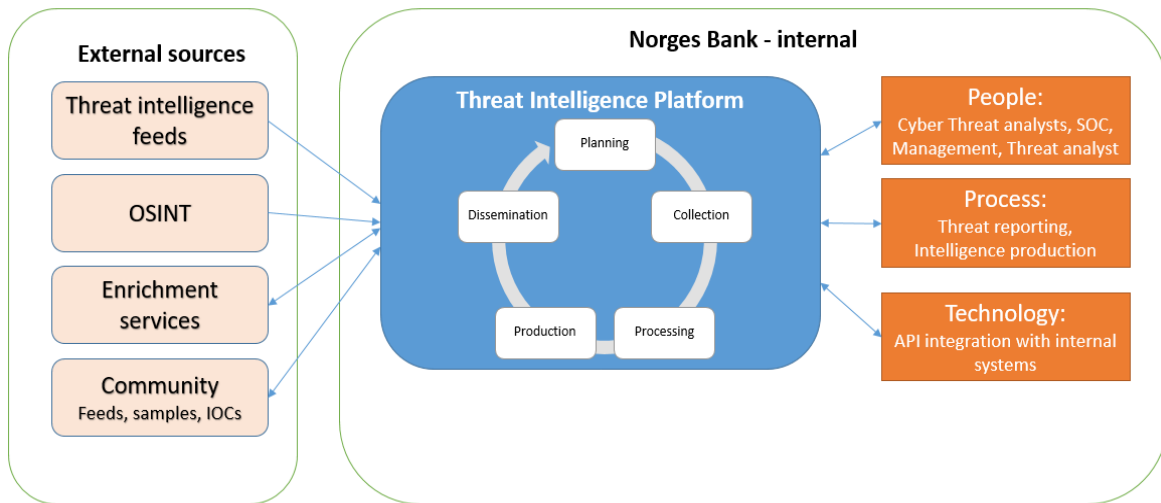
1.2 Purpose of the agreement

Norges Bank Cyber Security Intelligence Cell (NB CSIC) is part of Norges Bank Cyber Security Operations Centre (CSOC). Our intent is to purchase a Cyber Threat Intelligence solution that enables us to perform all the steps in the intelligence cycle: Planning, Collection, Processing, Production and Dissemination. In addition the solution should contain functionality that supports the use of intelligence methodology like structured analytical techniques (SAT).

The number of users of the solution is estimated to be 10 individuals and will primarily be cyber threat intelligence analysts working at strategic, operational and tactical levels. The solution should therefore deliver functionality that enables the users to follow the intelligence cycle across different levels of responsibility. The software/platform must be an on-premises solution that will be hosted in Norges Banks internal data centre.

The platform should:

- Support our CSOC in the intelligence production cycle
- Support threat intelligence process also outside the field of cyber
- Support API integrations with other internal systems
- Support collection of threat feeds, OSINT and other unstructured data
- Support enrichments services
- Enable sharing information with the community



Scope for purchase is software and technical support. Purchase of threat intelligence data, such as malware analysis reports and indicators of compromise, is not in scope of this agreement.

A more detailed description of the requirements for the solution is given in Appendix 1.

1.3 Scope of the agreement

The estimated value of the agreement is 2 MNOK (tax included) per year for the duration of the contract.

1.4 Duration

The service will be performed during the period of 3 years, with option for extension for another 1+1 years.

1.5 Contract type

An agreement will be entered into with one supplier for the task.

1.6 Contract provisions

The contractual relationship will be governed by the attached contract (SSA-K) with the associated standard contract terms and conditions of Norges Bank, see appendix 8.

1.7 Structure of the tender documents

The tender documents consist of three parts:

Part 1 contains procedures and frameworks that describe how the competition should be carried out, as well as forms and templates for use by tenderers in their preparation of tenders. Part 1 consists of the following documents:

Main document	Tender documents (this document)
Appendix 1	Declaration of Binding Obligation (template)
Appendix 2	Template reference task

Part 2 contains the template for documents for use by tenderers when carrying out the second phase of the competition, the tender phase. Part 2 only applies to those who have been invited to submit tenders, cf. section 2.1. The following documents belong to part 2:

Appendix 1	Tender letter (Template)
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Part 3 contains the contract for this procurement including requirements for the contract subject. The following documents belong to part 3:

Contract provisions	Contract basis in this case is SSA-K
Annex 1	Customer's description of the task
Annex 2	Supplier's specification of the task
Annex 3	Project and progress timetable
Annex 4	Administrative provisions
Annex 5	Total price and price provisions
Annex 6	Changes in the general agreement text (Norges Bank's standard changes)
Annex 7	Changes in the deliveries after entry into the agreement
Annex 9	Self-declaration wage and working conditions
Annex 10	Licence terms and conditions for standard software and free software
Annex 11	Ethical guidelines for suppliers to the Central Bank Enterprise
Annex 12	Wage and working conditions

Part 1- Rules for the procurement

2 Execution

2.1 Procurement procedure

The procurement will be carried out with respect to the Act relating to Public Procurements of 17 June 2016 (Public Procurement Act) and the Regulations relating to Public Procurements (Public Procurement Regulations) FIR 2016-08-12-974, Part III, section 13 -1 (2). The contract award will be performed pursuant to the procedure: competitive with negotiation.

This is a procedure in two phases that is inaugurated with a qualification phase (phase 1). All interested suppliers have the possibility to submit inquiries on participating in the competition. All qualified bidders will be invited to submit tenders in the next phase of the procedure (phase 2), cf. point 5.1. For more detailed information on the negotiations, see point 6.2.1.

2.2 Publication of the procurement

The procurement will be published in Doffin (www.doffin.no) and Tender Electronic Daily (TED) (www.ted.europa.eu).

2.3 Important dates

2.3.1 Progress plan

Norges Bank will plan to perform the procurement with respect to the progress plan below.

It is emphasised that the progress plan is tentative. Norges Bank will be able to make adjustments during the course of the process.

Norges Bank wishes to make it clear that tenders that are delivered too late will be rejected.

Phase	Activities	Date
1	Publication Doffin/TED	09.10.2020
1	Deadline for submitting questions	05.11.2019
1	Deadline for requesting participation	10.11.2020 kl. 12:00
1	Evaluation	10.11 – 20.11.2020
1	Information on evaluation results and dispatch of tender invitation	23.11.2020
Phase 2		
2	Deadline for submitting questions	11.12.2020 kl. 12:00
2	Deadline for tenders	21.12.2020 kl. 12:00
2	Evaluation and negotiations	21.12.2020 – 08.02.2021
2	Deadline for best and final offer (BAFO)	22.02.2021 kl. 12:00.
2	Notification of contract award	19.03.2021
2	Qualifying period	19.03.2021
2	Contract signing	30.03.2021
2	Period of validity	15.04.2021

2.4 Communications, questions on the tender documentation and supplemental information

All communications during the course of the procurement process must take place via Merccell.

Inside the competition in Merccell, select the "communications" tabbed sheet. Then click the "new message" icon in the menu bar. Enter the question/information and press "send". Norges Bank then receives the question/information.

Any possible questions that the tenderers might have concerning the tender documentation, possibly of the pre-tender conference, must be submitted within the deadline given in point 2.3.1.

All questions will be answered in good time before expiry of the inquiry/rendering deadline in anonymous form and made available as supplemental information to everyone who has registered an interest in Merccell / those bidders who have been invited to submit tenders. Supplemental information is available under the "communications" tabbed sheet and subsequently under the "supplemental information" tabbed sheet. Tenderers who have already

registered their interest will also receive notification via E-mail if supplemental information is released during the competition. The tenderers can then follow the link in the notification in order to bring up the relevant competition.

2.5 Correction, supplementation and/or amendment of the tender documentation

Before expiry of the tendering deadline, Norges Bank has the right to undertake correction, supplementation and amendment of the tender documentation that are not of significance. Correction, supplementation or amendment of the tender documentation will immediately be sent to all tenderers who have registered their interest via Mercell.

Information on correction, supplementation and amendment will be published electronically via Mercell.

If errors are detected in the tender documentation, it is requested that this be communicated to Norges Bank via the communications module in Mercell.

3 Administrative terms, conditions and provisions

3.1 Language

All written and verbal communications in connection with this competition must occur in English. The language requirement also concerns the tender itself.

3.2 Norwegian Freedom of Information Act

With statutory authority in the Norwegian Freedom of Information Act of 19.5.2006, section 23, third subsection, exceptions may be made for tenders and records pursuant to the code of regulations concerning public procurements until the selection of the supplier has been made.

With statutory authority in the Norwegian Freedom of Information Act, section 13, cf. the Central Bank Act, section 5-2, Norges Bank has a duty of confidentiality concerning information on "the business-related conditions of others". It is emphasised that it is the information subject to confidentiality in the document and not the document in its entirety that is subject to disclosure, cf. the Norwegian Freedom of Information Act, section 13. Tenderers are hence requested to themselves mark/censor precisely which information in the tender that must be deemed to be subject to confidentiality.

3.3 Duty of confidentiality

For employees and suppliers who perform work or service for Norges Bank, the duty of confidentiality follows from the Norwegian Act relating to Norges Bank and the monetary system (Central Bank Act), section 5-2. Subcontractors and third parties who become acquainted with information from the contractual relationship must be subjected to a duty of confidentiality corresponding to the duty of confidentiality established in the Central Bank Act, section 5-2.

The duty of confidentiality also remains in effect after the agreement has been ended. Employees or others who depart from their service with one of the parties also have a duty of confidentiality after they have departed.

Employees of the supplier, subcontractors and possible third parties must sign a non-disclosure declaration formulated by Norges Bank.

3.4 Impartiality

Norges Bank will pose strict criteria as a basis in determinations of whether possible impartiality-compromising situations, cf. Public Procurement Regulations, section 7-5, are present. If Norges Bank based upon an assessment of the Supplier's explanation and the circumstances otherwise concludes that an impartiality conflict exists, this will result in rejection.

The company is expected to have a policy and arrangement for surveying and assessing possible partiality or impartiality conflicts. An explanation must be given of precisely which impartiality conflicts may exist with a justification for why it is not viewed as being of such a nature that one is prevented from shouldering the commissioned task.

3.5 Police certificate of good conduct and credit assessment

Norges Bank may pursuant to the Central Bank Act, section 2-15 and Regulation 2019-12-17-1880 require a police certificate of good conduct for the Supplier's personnel and possibly personnel of subcontractors who are performing tasks in connection with the Delivery, if security-related considerations dictate such.

With objective grounds, Norges Bank may procure credit information on the Supplier's personnel and possibly personnel of subcontractors who perform tasks in connection with the Delivery.

Norges Bank may also perform other investigations such as for example information on residential address, checks of a valid ID, verification of education and work experience and other investigations if such are relevant.

If security-related considerations dictate such, personnel of the supplier must be security-approved by Norges Bank before the task is commenced.

It is the tenderer's responsibility to contribute to the requisite investigations being able to be performed with respect to procedures prepared by Norges Bank. The Supplier is also obligated to sign the bank's non-disclosure declaration.

In special instances, a security clearance will be required pursuant to the Act relating to preventive security services.

3.6 Ethical guidelines for suppliers to the Central Bank Enterprise

The tenderer who is awarded the commissioned task must confirm in the contract that ethical rules for suppliers to the Central Bank Enterprise (Annex 12) apply for personnel carrying out the work with the supplier who have access to Norges Bank's premises or information systems.

3.7 Advertising

The Supplier is obligated to not conduct advertising or in some other manner to give the general public information concerning this agreement with its appendixes or the results of the agreement without the prior written approval of Norges Bank. The supplier is obligated to include a corresponding provision with respect to their subcontractors.

If the Supplier participates in a competition pursuant to the Act and Regulations relating to Public Procurements and a client requests references from other clients, Norges Bank will upon request assess giving a reply concerning whether permission will be granted.

3.8 Tenderer's participation costs

Expenses that the tenderer incurs in connection with the preparation, submission or follow-up on the tender or the procurement process in general will not be refunded. Participation in this procurement process will not in any manner obligate Norges Bank to enter into a contract with the tenderer, or impose on Norges Bank any form of financial obligations with respect to the tenderer.

3.9 Deviations from the procurement documents

The Supplier bears the risk for unclear items in the tender, cf. Public Procurement Regulations, section 23-3 (2).

Tenders that contain significant deviations from the procurement documents must be rejected pursuant to the Public Procurement Regulations, section 24-8 (1) b. Norges Bank hence most strongly requests submitting tenders based upon those instructions and guidance that appear in this tender documentation with appendixes and possibly pose questions in the event of unclear items in the tender documentation.

4 The electronic European Single Procurement Document (ESPD)

4.1 In general on ESPD

In this competition, the tenderers must fill in the ESPD form that is integrated into Mercell.

4.2 National rejection grounds

The rejection grounds that are ticked under ESPD Rejection Grounds point C provide as a point of departure Norges Bank only a right to reject. In the following two cases, Norges Bank nevertheless has an obligation to reject:

1. If there exists a lack of impartiality that Norges Bank cannot remedy with minor intervention measures, cf. Public Procurement Regulations, section 24-2, first subsection, letter c.
2. If the tenderer has participated in the preparation of the competition, and in so doing has attained an unreasonable competitive advantage that cannot be remedied with minor intervention measures, cf. Public Procurement Regulations, section 24-2, first subsection, letter d.

Norges Bank has in ESPD Rejection Grounds point D ticked "purely national rejection grounds". The national rejection grounds go further that what follow from the rejection grounds specified in ESPD in two cases:

1. Norges Bank must reject a tenderer when it is aware that the tenderer has accepted an optional fine or been convicted of the specified criminal conditions in the Public Procurement Regulations, section 24-2, second subsection.
2. Norges Bank may reject a tenderer when it can be documented that the tenderer has in general committed serious errors that bring about doubts as to its professional integrity, cf. Public Procurement Regulations, section 24-2, third subsection, letter i.

4.3 Qualification requirements

4.3.1 General

The tenderer must answer the qualification requirements included in the ESPD form in Merccell.

Note that the qualification and documentation requirements appear under the heading "Description of requirement/documentation" under the individual requirement in Merccell.

4.3.2 Fulfilment of qualification requirements by the use of other enterprises

The tenderer may choose to support itself with the capacity of other enterprises in order to fulfil the requirements for the supplier's economic and financial capacity and for technical and professional qualifications. What is meant by "other enterprises" is for example a parent company, co-operating partners, subcontractors and the like.

If the tenderer supports itself on the capacity of other enterprises in order to fulfil the qualification requirements for economic and financial capacity and/or for technical and professional qualification, then the tenderer must document that it has the requisite resources at its disposal. This can be documented by for example attaching a signed declaration of obligation from these enterprises, see appendix 1 to this document "Declaration of obligation". The enterprises must in addition submit separate ESPD forms.

4.3.3 Concerning requirements for the economic and financial capacity of the tenderers

If a tenderer supports itself on the capacity with other enterprises in order to fulfil the requirements for the supplier's economic and financial capacity, Norges Bank may require that they are jointly and severally liable for the execution of the contract.

If the tenderer has objective grounds for not submitting the documentation that Norges Bank has requested, then the tenderer may document its economic and financial capacity by submitting any other document that Norges Bank deems to be suitable.

4.3.4 Requirements associated with the tenderer's suitability

Cf. ESPD form: qualification requirements, A: suitability

Qualification requirements	Documentation requirements
Legally established company	<ul style="list-style-type: none"> Norwegian companies: Certificate of incorporation Foreign companies: Proof that the company has been registered in an industry registry or company registry as prescribed in the legislation in the country where the supplier was established

4.3.5 Requirements associated with the tenderer's economic and financial capacity

Cf. ESPD form: qualification requirements, B: economic and financial capacity

Qualification requirements	Documentation requirements
The supplier must have sufficient economic and financial capacity to execute the delivery/contract	<ul style="list-style-type: none"> Credit rating from a recognised rating supplier (must not be more than 6 months old)

4.3.6 Requirements associated with the tenderer's technical and professional qualifications

Cf. ESPD form: qualification requirements, C: technical and professional qualifications

Qualification requirements	Documentation requirements
Tenderers must have performed comparable deliveries the past three years. What is meant by comparable deliveries is Cyber Threat Intelligence solution within financial or governmental sector.	<p>Overview of the most important deliveries with corresponding areas of competence the past three years, with the following information:</p> <ul style="list-style-type: none"> Name of customer Point in time Service delivered Scope of the deliveries <p>It is the responsibility of the tenderer to document the relevance through the description.</p> <p>The tenderer must fill in appendix 2.</p>

4.3.7 Requirements associated with the tenderer's system for quality assurance and environmental standards

Cf. ESPD form: qualification requirements, D: System for quality assurance and environmental standards

QUALIFICATION REQUIREMENTS	DOCUMENTATION REQUIREMENTS
The tenderer must have a good and well-functioning quality assurance system.	Description and documentation of quality assurance system. If the tenderer is certified under ISO 9001 or equivalent standards, then it will be sufficient to submit a copy of a valid certificate.

5 Qualification part

5.1 Execution of the qualification phase

Norges Bank will assess whether the qualification requirements have been fulfilled based on the documentation the suppliers have submitted together with the inquiry on participation in the competition.

Suppliers who do not fulfil one or more qualification requirements will be rejected from the competition.

5.2 Number of suppliers who are invited to submit tenders

All suppliers who meet the qualification requirements cf. the tender documents section 4.3, are invited to submit tenders in the competition.'

5.3 Delivery of request for participation

All requests must be delivered electronically in Mercell within the deadline stated in point 2.3.1, possibly a new deadline specified by Norges Bank.

The tenderer may, before expiry of the deadline, make possible changes and submit a new request. The last request submitted will be regarded as the final request.

If the tenderer is not a user of Mercell or has questions about using the tool, for example, how to submit an offer, contact Mercell Support on tel: 21 01 88 60 or by e-mail to: support@mercell.com. It is recommended that the request is delivered well in advance of the deadline, e.g. at least 1 hour before the application deadline.

5.4 Request for participation – Structure

In addition to the tenderers completing the ESPD form in Mercell, the request for participation must contain the following documents:

Document -number	Document	Appendix
1	Declaration of binding obligation. (Only if the tenderer relies on other companies to meet the qualification requirements for economic and financial capacity and /or technical and professional qualification)	Part 1, appendix 1
2	Documentation of fulfillment of all qualification requirements: - Company certificate - Credit rating - Reference assignment - Quality assurance system -	Ref. section 4.3 including appendix 2, and possibly separate attachements
3	Possible censored request for participation	Ref. section. Feil! Fant ikke referansekinden .

5.5 Partial requests

It is not possible to submit a request for participation that only includes parts of the procurement.

5.6 Notification

Norges Bank will inform all tenderers in writing if the request to participate in the competition is rejected as a result of under-fulfillment of the qualification requirements.

The notice will contain a justification for why the provider is not considered qualified.

If Norges Bank finds that the rejection is not in accordance with the qualification requirements, Norges Bank may reverse its decision and still allow the supplier to participate in the tender phase.

6 For the tendering part

6.1 Award criteria

Best balance between price and quality

	AWARD CRITERION	WEIGHT	DOCUMENTATION REQUIREMENT
TK1.	Price - Analysis platform software license - Support and maintenance,	30%	Filled-in appendix 7 for contract, Price and price provisions.

	including software updates - Training		
TK2.	Quality Understanding of the task, including: - Functional requirements, - Technical requirements, - Technical Security requirements, - Implementation and Support requirements	70%	Filled-in appendix 2 for contract, the Supplier's description of the commissioned task.

6.2 Evaluation

6.2.1 Evaluation model

The prices will be evaluated pursuant to the following model:

Model	Explanation	Selected
Proportionality	Non-linear model where the tender with the best price receives 10 points. Other tenders are allocated points based upon their relative deviation from the best price.	<input checked="" type="checkbox"/>

The award criteria associated with quality will be given points based on an evaluation model where the best tender under each award criteria is given 10 points. Other tenders will receive points in accordance with their relative difference from the best tender.

The tender that receives the highest number of total points will win the competition.

6.2.2 Basis for the evaluation

Further detail on the evaluation of the award criterion "Quality"

The distribution of weight between the categories are in descending order of weight:

- Functional,
- Technical,
- Technical Security,
- Implementation and Support.

Within the different categories, the following areas are given the most weight:

Functional:

- Enrichment
- Support of analytical models and threat frameworks
- Search functionality
- Production
- Collaboration

Technical:

- Backup and support for 3rd party backup solutions
- Support for virtual appliance or OS running on a linux stack

Technical Security:

- Access controls and management solution
- Support for 3rd party authentication and SSO

Implementation and Support:

- All requirements are equally important

6.2.1 Conducting of the negotiations

A competition with negotiations gives Norges Bank the latitude to negotiate with the suppliers on all aspects of the tenders. The negotiations may be conducted in meetings, in writing or verbally. Minutes will be kept of meetings and verbal negotiations.

Norges Bank will plan to execute the negotiations in several phases in order to reduce the number of tenders. Such reductions will be proposed on the basis of the award criteria, cf. point 6.1. A first reduction may occur in advance of the negotiations.

Norges Bank will plan to execute the negotiations in 2 phases:

Phase 1

After the expiry of the tendering deadline, Norges Bank will undertake a first review of the tenders, where it will be examined whether the tenders are complete and satisfy the formal requirements

Norges Bank will subsequently perform an initial evaluation of the tenders. The tenderers will receive feedback on their tenders with respect to the award criteria, cf. point 6.1. Norges Bank may, prior to the negotiations, reduce the number of tenders that will be negotiated over. Such a reduction will be undertaken based on the award criteria.

Phase 2

A detailed plan for the negotiations will be presented together with an invitation to negotiate. The negotiations will be conducted with respect to good business practices and must be a responsible use of time and resources for both Norges Bank as well as the tenderers.

Norges Bank will plan to conduct one negotiating round during phase two, but reserves the right to carry out multiple negotiating rounds if there is a need for this. Norges Bank may at any time during the negotiations reduce the number of tenders for which there are negotiations. The reductions will be performed based on the award criteria, cf. point 6.1. The plan is for the tenderers to submit updated tenders in each negotiating round.

The negotiations may entail all aspects of the tenders. If the negotiations result in a change to the tender, then this must be confirmed in writing.

7 Delivery and formulation of tenders

7.1 Delivery of tenders

All tenders must be delivered electronically in Merccell within the deadline stated in point 2.3.1, possibly a new deadline specified by Norges Bank.

The Supplier may, before expiry of the tendering deadline, make possible changes and submit a new tender. The last tender submitted will be regarded as the final tender.

7.2 Tender structure

The tender must contain the following documents:

Document number	Document	Appendix/Annex
1	Tender letter	Part 2 Appendix 1
2	Responses to the requirements specification	Part 3 Appendix 2,10, 11, 12
4	Filled-in price matrix	Part 3 Appendix 7
6	Possible censored tender	See point 3.2

7.3 Partial tenders

There is no opportunity to submit tenders on parts of the task.

7.4 Alternative tenders and minimum requirements

There is no opportunity to submit alternative tenders.

8 Termination of the competition

8.1 Tax certificate

Norges Bank will require that selected suppliers submit a tax certificate for VAT and a tax certificate for tax, cf. the Public Procurement Regulations, section 7-3. This only applies to

Norwegian suppliers. The tax certificate must not be more than 6 months old calculated from the deadline for submitting tenders.

Norges Bank reserves the right to require a tax certificate for VAT and a tax certificate for tax from more than the selected supplier in earlier stages of the competition.

8.2 Notification and qualifying period

Norges Bank will inform all suppliers in writing and simultaneously of who Norges Bank intends to award the contract to as soon as the selection of the supplier has been made.

The notification will contain a justification for the selection and specify the qualifying period from when the award is announced to when the signing of the contract is planned to be carried out (entry into the contract).

If Norges Bank finds that the award decision is not in accordance with the criteria for the selection of a supplier, then the decision may be annulled up to when the contract is entered into.

8.3 Cancellation of the competition

Norges Bank may cancel the competition if objective grounds exist, cf. the Public Procurement Regulations, section 25-4.