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# Invitation to tender

Competitive dialogue – Procurement regulations part III

Procurement of Electronic Lab Notebook on behalf of South-Eastern Norway Regional Health Authority

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## 1 General information

This competition is conducted by Sykehusinnkjøp HF (Client), on behalf of South-Eastern Norway Regional Health Authority. University of Oslo (UiO) have an option to be included in the procurement. The purpose of the procurement is to buy and implement the same product for both institutions and it is a precondition that the product meets both institutions requirements. HSØ is head of the procurement with option for UiO to be included for both practical and professionally terms. Price and contract will be handled individually. Details on how this option will be handled will be discussed and might be changed during the dialogue fase.

Sykehusinnkjøp HF is owned by the four regional health authorities; Helse Sør-Øst RHF, Helse Vest RHF, Helse Midt-Norge RHF and Helse Nord RHF, of which the share is 25 % each. For more information, see [www.sykehusinnkjop.no](http://www.sykehusinnkjop.no).

### 1.1 South-Eastern Norway Regional Health Authority

The South-Eastern Norway Regional Health Authority (Helse Sør-Øst RHF) is the state health trust group that is responsible for specialist health services in the South-Eastern part of Norway (the county municipalities Viken, Oslo, Innlandet, Telemark, Vestfold and Agder). The enterprise is organized as a parent company (regional health trust), with 11 underlying subsidiaries that are organized as independent health trusts with their own responsibility for results and with employer responsibility for their employees.

South-Eastern Norway is the country's largest health region with responsibility for specialist health services for a population of 2.85 million people. The region has about 77 000 employees (including temps). Turnover is approx. 77 billion kroner. The head office of the South-Eastern Norway Regional Health Authority is located in Hamar, with another administration office location in Skien. For further information, see [www.helse-sorost.no](http://www.helse-sorost.no).

### 1.2 Sykehuspartner Hospital Trust

Sykehuspartner Hospital Trust (Sykehuspartner HF) was established in October 2003 as a separate unit within the South-Eastern Norway Regional Health Authority and became a separate unit within the health authority on 1 June 2007. On 1 January 2015, Sykehuspartner HF was established as a separate health trust with headquarters in Drammen. Sykehuspartner HF currently delivers joint services within ICT, HR and Projects to all the health trusts in the South-Eastern Norway, and with its 1400 employees is one of the Nordic region's largest companies in the field.

Sykehuspartner HF is responsible for the delivery of ICT services to all the health trusts in the South-Eastern Norway. For further information, see [www.sykehuspartner.no](http://www.sykehuspartner.no)

### 1.3 Purpose and scope

#### 1.3.1 Purpose

The South-Eastern Norway Regional Health Authority covers the largest group of scientists in the field of medical research in Norway. More than 2000 employees report that they are engaged in research, with a large proportion of these doing basic and translational laboratory research. Currently, the responsibility for documentation of laboratory protocols and storage of research data is left with each individual project leader. Most researchers keep paper-based records, use individually organised file systems on their personal computers or use other kinds of individualized



data storage. A handful of research groups have on their own initiative implemented electronic laboratory notebooks (ELN) from various providers.

There is an urgent need for a universal and unified electronic system for documentation of protocols, methods, and experimental results.

### 1.3.2 Scope

The scope of the procurement is to establish a mandatory electronic laboratory notebook system for documentation of all laboratory-based research performed at hospitals controlled by the South-Eastern Norway Regional Health Authority. The system must guarantee safekeeping and integrity of the original research data and should facilitate secure sharing of data and protocols between researchers. Furthermore, the system must provide tools for auditing the research activities on different group, department, clinic and hospital levels.

## 1.4 Agreement form and duration

This procurement proposes plan to result in an agreement for South-Eastern Norway Regional Health Authority and University of Oslo (UiO). The agreement will be based on SSA-L Agreement for “Ongoing Purchases of Services via the Internet” based on the Norwegian Government’s Standard Terms and Conditions for IT Procurement. The SSA-L will cover the procurement and implementation of the solution.

How the possible agreement with University of Oslo (UiO) will be handled will be made clear during the dialogue.

## 1.5 Sub-contracts

The acquisition is not divided into subcontracts.

## 1.6 The Tender Document

The Tender Document consists of this document (Invitation to tender) and the following attachments:

Document	Name
Attachment 1	Application letter (template)
Attachment 2	Answer form technical and professional qualifications
Attachment 3	Requirement specification – draft juli- subject to changes before dialogue
Attachment 4	SSA-L - Ongoing Purchases of Services via the Internet
Attachment 5	Guidance regarding redacting documents (only available in Norwegian)
Attachment 6	Public access to Application and Tender (only available in Norwegian)
Attachment 7	Declaration of commitment (template)



The Tender Document may be changed throughout the dialogue phase. The client reserves the right to update draft requirements specification and publish other relevant documents together with inviting Tenderers to the dialogue phase.

## 1.7 Timetable

The competition is conducted as a competitive dialogue and is divided into three phases: the qualification phase, the dialogue phase, and the tender phase.

During the qualification phase, all interested suppliers can submit an application to participate in the competition. Only qualified Tenderers who are invited by the Client to submit solution proposals will participate in the subsequent phases.

In the dialogue phase qualified Tenderers are invited to participate in the dialogue by delivering a first solution proposal. Based on the solution proposals, a first dialogue will be held. In the dialogue, Tenderers are asked to provide input on (parts of) the requirements specifications and other documents related to the competition. The Tenderer's solution proposals and other input will be used to revise the requirement specification and other relevant documents which in turn will be the basis for a new solution proposal. The dialogue ends when the Client is satisfied with the solutions that have been presented during the dialogue and is ready to finalize the requirements and content of the contract.

The tender phase starts with an invitation to submit a final offer. In the invitation to submit a final offer, all requirements specifications, contract documents, award criteria etc. are final. There is no opportunity to negotiate after final offers have been submitted. See section 2.1 for more information about the procurement procedure.

The client reserves the right, in whole or partial, to close parts of the Tender Documents for further discussion during the dialogue, typically if there are extensive discussions around individual topics such as contract terms or otherwise.

**All dates/times in the dialogue and tender phases are tentative. Relevant Tenderers will be kept updated.**

Activity	Date
<b>Qualification phase</b>	
Deadline for asking questions regarding qualification	30.07.2021
Deadline for submitting application	10.08.2021 at 1 PM
Assessment of applications received	10.08 – 17.08.2021
Notification of the result of the qualification	17.08.2021
<b>Dialogue phase</b>	
Deadline for submitting first solution proposal	17.09.2021
Evaluation and dialogue	17.09.2021-October
<b>Tender phase</b>	
Invitation to submit final offer	October
Deadline for submitting final offer	November



Allocation decision and notification to the bidders	November
Signing and entering into agreements	Desember

## 2 Rules for the conducting the procurement

### 2.1 Procurement procedure

This procurement will be conducted as a competitive dialogue pursuant to Part I and III in accordance with the Public Procurement Act of 17 June 2016 no. 73 and regulations 2016 no. 12 August 2016 no. 974.

In a competitive dialogue, all interested Tenderers may submit a request to participate in the competition. Only qualified Tenderers who are invited by the Client will be able to participate in the dialogue and tender phases.

The Client plans to invite a limited selection of Tenderers to participate in the dialogue, albeit at least three (3) Tenderers. Any selection among qualified Tenderers will take place based on the qualification applications and the selection criteria that appear in section 6.

The dialogue can be carried out on all aspects of the procurement. The dialogue will be carried out in several phases, and both in writing and orally. Requirements and/or details concerning the award criteria may be added or removed along the way, and the classification of requirements may be changed until the invitation to submit the final offer is sent out.

The Client reserves the right to decide that one or more of the dialogue phases are used to reduce the number of solutions. Such reduction will be made according to the specified award criteria.

The Client will end the dialogue by setting a common deadline for receiving final offers from the remaining Tenderers. It is not allowed to negotiate the final offers.

Communication and dialogue during the competitive dialogue will take place in Norwegian or English.

### 2.2 Communication

All communication during the procurement process shall take place via the communication module in the Merccell portal (<https://www.merccell.com>). This is in order for all communications to be logged. Other communication with persons participating in the decision-making process is not permitted, and inquiries that occur in any other way cannot anticipate an answer. In the event of any questions concerning all providers, the Client will answer this anonymously to all Tenderers.

### 2.3 Tax certificate

The Contractor shall on request submit a tax certificate for VAT and tax certificate for tax. This applies only if the Contractor is Norwegian.



The tax certificate shall not be older than 6 months calculated from the deadline for submitting a request to participate in the competition or offer.

Tax certificate shall be submitted at the same time as the qualification application.

## 2.4 Pay and working conditions

Regulations concerning pay and working conditions in public contracts shall ensure that employees in companies that perform services and construction work for public contractors have no worse pay and working conditions than those resulting from applicable general regulations or nationwide collective agreements.

The contract terms relevant in this competition have regulations that contribute to the employees of the Contractor and any subcontractors who perform work on the contract receiving these minimum conditions.

In accordance with the regulations, we will require the necessary documentation from the Contractor and ensure that the provisions are complied with. In the event of Contractor's non-compliance with the regulations, we will impose sanctions under the contract.

## 3 Application for participation in competition

### 3.1 General

An application shall be made for participation in the competition.

All requests for participation shall be submitted electronically via the Mercell Portal, [www.mercell.com](http://www.mercell.com) within the deadline.

### 3.2 Content and structure of the application

The application should be delivered with file names according to the following structure:

Document	Name
Appendix 1	Application letter
Appendix 2a	Documentation related to qualification requirements 5.1 Certificate of establishment
Appendix 2b	Documentation related to qualification requirements 5.2 Economic and financial capacity
Appendix 2c	Documentation related to qualification requirements 5.3 Technical and professional qualifications and 5.4 Quality assurance standards (please use template in Attachment 2 Answer form technical and professional qualifications)
Appendix 3	Tax certificate for paid VAT and tax
Appendix 4	Declaration of commitment for supportive businesses (if relevant)
Appendix 5	Parent company guarantee, bank guarantee etc. (if relevant)





Appendix 6	Declaration of solidarity responsibility (if relevant)
Appendix 7	Redacted version of the application (cf. Attachment 6 and 7) See also chapter 7.9.

### 3.3 Language

The request should be written in Norwegian, Swedish, Danish, or English.

### 3.4 Deadline for requesting a temporary injunction

Deadline for requesting a temporary injunction against the Client's decision to reject a request to participate in the competition or not to select a Tenderer, is 15 days counted from the day after the information was sent, cf. Section 20-7 of the Procurement Regulations.

## 4 The European Single Procurement Document (ESPD)

### 4.1 General information about the ESPD-form

The Tenderer shall fill out the ESPD-form as stated in Merccell.

At any time in the competition, the Client may request all or parts of the documentation evidence necessary to ensure that the competition is conducted correctly. In this competition, the Tenderer must submit all documentation relating to the qualification requirements as part of the application.

### 4.2 National reasons for rejection

In accordance with ESPD Part III: Exclusion grounds Section D: "Other exclusion grounds that may be foreseen in the national legislation of the contracting authority's or contracting entity's Member State" states that in this competition all the reasons for rejection apply to section 24-2 of the Procurement Regulations, including the purely national reasons for rejection:

- Paragraph 24-2 (2). The Client shall reject a Tenderer if he is aware that the Tenderer has been legally convicted or has accepted a fine for the specified conditions. The requirement to reject a Tenderer who has adopted fines is a special Norwegian requirement.
- Paragraph §24-2 (3) letter i). The reason for rejection in the ESPD form relates only to serious errors in professional practice, while the Norwegian reason for rejection also includes other serious mistakes that may cause doubt regarding the professional integrity of the Tenderer.

## 5 Qualification requirements

To be invited to dialogue, interested Tenderers must fill out the ESPD form which states that he meets the qualification requirements. The documentation related to the requirements shall be attached to the application, either directly in the ESPD form or as an attachment to the application cf. section 3.2.



The tenderer must have an organization that is suitable for ensuring that the contractual obligations are fulfilled throughout the contract period. For this reason, requirements are set for economic and financial capacity and for technical and professional qualifications (Qualification requirements). The Tenderer must meet all qualification requirements to have his application for participation in the competition assessed.

### 5.1 Registrations, authorizations, etc.

Eligibility requirements	Documentation requirements
The Tenderer shall be registered in an enterprise register or a trade register in the state where the bidder is established.	Norwegian companies: Certificate of establishment  Foreign companies: Documentation that the company is registered in the register of enterprises, professional register, or a trade register in the state where the Tenderer is established.

### 5.2 Economic and financial capacity

Requirements	Documentation requirements
The Tenderer shall have sufficient economic and financial solvency to be able to carry out the contractual obligations.	The Client will assess the Tenderer's fulfilment of the eligibility requirement based on the following information from the Tenderer: <ul style="list-style-type: none"><li>• Last two years of financial statements with notes including auditor's statement.</li><li>• Income statement and balance sheet from the last six months if it is more than 6 months since the last financial statements</li></ul> If the Tenderer has a factual reason not to disclose the documentation claimed by the Client, the Tenderer may determine his financial and financial capacity by any other document, including, for example, by a parent company guarantee, bank guarantee, etc. When using the parent company's guarantee, it is requested that the Tenderer provides documentation that the parent company is able to take over the subsidiary's financial and financial contractual obligations.  The Client will, where appropriate, order a rating report from a renowned firm to verify that the Tenderer has sufficient economic and financial capability.



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### 5.3 Technical and professional qualifications

Requirements	Documentation requirements										
<p>The Tenderer shall have sufficient ability to carry out the contractual obligations. (Experience in the delivery of solutions covering the specified areas in section 1.4.1)</p> <p>In the assessment, the Client will emphasize the relevance, size, and complexity of previous deliveries.</p>	<p>The Client will assess the Tenderers fulfilment of the quality requirement based on the following information from the Tenderer:</p> <p>An overview of the most important and relevant deliveries of similar solutions in the last three (3) years, including information on scope/value, time of delivery, as well as the name of the customer.</p>										
<p>The Tenderer shall have good capacity related to the implementation of the contract. (Development, testing, support/maintenance, project management, implementation and training)</p> <p>In the assessment, the Client will emphasize capacity in relation to the scope and size of this competition.</p>	<p>Enter the number of resources as specified in the following table:</p> <table border="1" style="width: 100%; background-color: #e6f2ff;"> <tr> <td>Average number of man-years last 2 years (2019-2020)– whole business</td> </tr> <tr> <td>Number of man-years relevant to this delivery:</td> </tr> <tr> <td>• Number of resources - product development</td> </tr> <tr> <td>• Number of resources - testing</td> </tr> <tr> <td>• Number of resources - support and maintenance</td> </tr> <tr> <td>• Number of resources – project management</td> </tr> <tr> <td>• Number of resources – implementation</td> </tr> <tr> <td>• Number of resources – training</td> </tr> <tr> <td>Any further plans for staffing adjustment if the Tenderer is awarded a contract.</td> </tr> <tr> <td>A description of technical personnel or technical devices, especially those responsible for quality control, which the Tenderer advises to perform the contract</td> </tr> </table> <p>In addition, the Tenderer is asked to describe how much of the contract, and which parts, are planned to be set aside to sub-contractor(s).</p>	Average number of man-years last 2 years (2019-2020)– whole business	Number of man-years relevant to this delivery:	• Number of resources - product development	• Number of resources - testing	• Number of resources - support and maintenance	• Number of resources – project management	• Number of resources – implementation	• Number of resources – training	Any further plans for staffing adjustment if the Tenderer is awarded a contract.	A description of technical personnel or technical devices, especially those responsible for quality control, which the Tenderer advises to perform the contract
Average number of man-years last 2 years (2019-2020)– whole business											
Number of man-years relevant to this delivery:											
• Number of resources - product development											
• Number of resources - testing											
• Number of resources - support and maintenance											
• Number of resources – project management											
• Number of resources – implementation											
• Number of resources – training											
Any further plans for staffing adjustment if the Tenderer is awarded a contract.											
A description of technical personnel or technical devices, especially those responsible for quality control, which the Tenderer advises to perform the contract											



	Please use the template in Attachment 2 Answer form technical and professional qualifications.
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#### 5.4 Quality assurance standards

Requirement	Documentation requirements
The Tenderer shall have a well-functioning quality assurance system for mission-critical systems.	<p>The Tenderer shall describe its quality assurance measures, methods and tools for development, test, handover, and deviation management.</p> <p>Please use the template in Attachment 2 Answer form technical and professional qualifications.</p>

#### 5.5 Support from other businesses

If a Tenderer is not able to fulfil the qualification requirements in sections 5.2 and 5.3 on its own, the Tenderer can rely on other businesses to meet the qualification requirements. This applies regardless of the legal association between the Tenderer and the business(es). If a Tenderer wishes to rely on other businesses to satisfy the qualification requirements, the ESPD declaration must be delivered electronically for both the supplier and the business(es) he will rely on. In addition, the Tenderer must deliver a declaration of commitment for each of the businesses, cf. template in Attachment 7. The declaration must specify how and in which areas the company will support the Tenderer.

If the Tenderer relies on the capacity of other businesses to meet the requirements for economic and financial capacity, the business(s) must be solidarity responsible for the performance of the contract. This must be documented by adding a declaration of solidarity responsibility. In the event of support from a parent company, a parent company guarantee must be attached.

This information will not affect the Contractor's contractual responsibility.

## 6 Selection criteria

Tenderers who meet the qualification requirements set out in chapter 5 and who are not rejected, will be deemed qualified. To the extent that there are sufficient numbers of qualified Tenderers, the Client will select a limited number of suppliers to participate in the competition, albeit at least three (3) suppliers.

Any selection among qualified Tenderers to participate in the competition will take place based on an overall evaluation of which qualification applications best meet the following qualification requirements for participation in the competition:

- **Relevant deliveries and references**



- **Tenderers capacity**

The Client will give the Tenderers who are rejected or not selected a written notification as soon as possible. The notice will contain a brief justification.

## **7 Resolution proposal and offer requirements**

*The following chapters are primarily applicable to the Tenderers who are qualified and selected to participate in the dialogue and to submit solution proposals and possible tenders. All Tenderers must first apply for participation and then await any invitation to the dialogue. Tenderers who submit an application for participation but are not invited to the dialogue or to submit a final tender, will be notified.*

*Further information on how the dialogue will take place, including deadlines for the delivery of solution proposals and the submission of final offers, will be sent to selected Tenderers after the qualification phase.*

### **7.1 Submission of application and offer**

Applications for participation in the competition and final offer shall be submitted electronically via the Mercell portal, [www.mercell.no](http://www.mercell.no). The system does not allow the delivery of offers after the deadline set in Mercell.

Contact Mercell Support, tel. 21 01 88 60 or e-mail [support@mercell.com](mailto:support@mercell.com) for questions related to access to and functionality in the Mercell portal.

It is recommended that the application and offer is submitted well before the deadline. Submitted applications and offers may be changed until the end of the deadline. The most recently submitted application/offer is considered the final one.

### **7.2 Design and content of the solution proposals and final offer**

The design and content of the solution proposals and final offer will be informed in updated Invitation to tender-document sent to the selected Tenderers during the process.

### **7.3 Alternative offers**

Alternative offers are not accepted.

### **7.4 Parallel offers**

Only one offer per bidder is allowed in the competition. Parallel offers are not accepted.



## **7.5 Language**

Solution suggestions and offers should be written in Norwegian, Swedish, Danish, or English.

The contract (standard terms) will be in Norwegian or English.

## **7.6 Reservations**

Any reservations to the tender and/or contract documents must be listed in the Tender letter. The reservations must be clear and understandable in order to make the Client able to assess these without contacting the Tenderer. Reservations that are considered substantial will lead to rejection. An offer that includes several minor reservations may be rejected if the reservations in total is substantial. In any case, the Client has the right to refuse offers with deviations that are not insignificant.

During the dialogue phase, the Client expects the Tenderers to specify their reservations as early as possible to achieve an effective process and avoid unnecessary rejections and/or delays late in the process.

Tenderers are encouraged to ask questions prior to submitting an offer.

## **7.7 Validity of the final tender**

The final tender is valid and binding for six (6) months following the deadline of the final offer.

## **7.8 Costs**

Tenderers are expected to prepare and submit the tender at their own expense and risk. Costs and expenses incurred by the Tenderer related to the procurement shall be borne by the Tenderer. The Client undertakes no economic liability for work performed in connection with the Tenderer's participation in the competition.

## **7.9 Public access to tenders and procurement protocol**

Tenders and procurement records can be exempted from public disclosure until the choice of Tenderer is finalized; see § 23, third paragraph, of the Norwegian Freedom of Information Act of 19 May 2006. From this point in time and onwards, access can be requested to these documents, although exceptions may be made for information that is subject to a statutory duty of confidentiality. Typical confidential information is information regarding personal matters and trade secrets (technical devices and procedures, as well as operational or business matters that for competition reasons it is important to keep secret in the interests of the person whom the information concerns).

The Tenderer must submit a redacted version of the application and offer where information regarded as confidential must be black-boxed. See Attachment 6 for guidance regarding redacting documents.



The Tenderer must also submit a separate document according to the template in Attachment 7 to justify the reasons for redacting.

If the application or tender does not contain any information considered as confidential, this must be confirmed in the Application/Tender letter.

### **7.10 Demonstration/reference visit**

It may be appropriate to conduct a demonstration of solution and/or reference visits (digital or physical) during the competition. This can also become part of the evaluation of the offered solution. A demonstration can be in the form of a test of the solution to the customer's surveys. Only Tenderers who have a realistic possibility to win the competition, based on a preliminary evaluation, will be eligible for reference visit(s) and/or demonstration. A demonstration will take place in accordance with the principle of verifiability and equal treatment.

## **8 Award criteria and evaluation**

The award of the contract will be made based on which offer has the best ratio between price/cost and quality. Final award criteria, sub-criteria and weighting will be decided during the dialogue and no later than in the invitation to submit final offer.

<b>Allocation criterion</b>	<b>Ranking</b>
Quality	1
Price/cost	2

### **8.1 Elaboration of the award criteria**

#### **8.1.1 Quality**

Through the competitive dialogue, the components of the quality award criterion will be discussed with the Tenderers. Through the dialogue, other and more detailed quality criteria can be introduced before invitation to submit final offer. For the quality award criterion, the following are assumed to be components:

- Quality of the solution technically and functionally
- Quality of training, maintenance, and support
- Quality of mission understanding and implementation plans
- Development potential, including future solutions

There may be changes to this in the dialogue phase.

#### **8.1.2 Price/cost**

In the dialogue, detailed price appendices will be finalized before the invitation to submit final offers and subsequent evaluation. For the price/cost criterion, the following are assumed to be components:

- Prices for the use of the solution, in test period and ordinary operation



- Training, maintenance, and support pricing
- Prices for implementation of the solution
- Prices for consultancy services
- Prices for development and changes for the customer

## **8.2 Award of contract**

A decision on the award of the framework agreement(s) will be notified in writing to all Tenderers at the same time in a reasonable time before the agreements are signed. The decision will include a justification for the choice of Contractor(s) and provide information about the period before the contract is signed (stand-still period).

The Client reserves the right at any time to end the competition if there is a factual reason, including if the Customer considers that the answers do not hold sufficient quality, if the solutions and conditions offered are not considered to satisfy the Customer's requirements and needs and/or if the Client considers that there is insufficient competition between the participating Tenderers within each of the different parts of the acquisition.