



THE NORWEGIAN ARMED FORCES
The Norwegian Defence Logistics Organisation

2021024085 – Exercise Batteries for Torpedoes

Invitation to pre-qualification

Restricted Procedure
(FOSA part I and II)

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1. Introduction

1.1 About the Contracting Authority

This procurement is conducted by The Norwegian Armed Forces, represented by the Norwegian Defence Logistics Organisation, hereinafter referred to as NDLO or «the Contracting Authority».

The Norwegian Armed Forces' responsibility is to defend Norway and Norway's values and interests. For more information, please see www.forsvaret.no. NDLO serves to strengthen the Norwegian Armed Forces' combat ability and perseverance by way of effective logistics, and is responsible to deliver fully operative equipment as quickly and effectively as possible. NDLO Strategic procurements are responsible for framework agreements and the purchase of goods and services for the entire Norwegian Armed Forces. The department enters into new, and administers existing contracts and agreements with contractors in Norway and internationally.

NDLO is a professional services company with approximately 2000 employees. The organisation is divided into staff and divisions within maintenance, supply and procurements.

1.2 User

The Contracting Authority shall enter into this agreement on behalf of The Norwegian Armed Forces.

1.3 Purpose of the procurement

The purpose of this procurement is to secure delivery of rechargeable silver-zinc batteries manufactured in accordance with VG standard 95284-120, or equivalent standard, for use in exercise torpedoes.

1.4 Scope of the procurement

The contract will include procurement of rechargeable silver-zinc batteries for use in exercise torpedoes and recovery of silver from used cells. In addition, the contract will include an option to purchase one rechargeable lithium-ion battery for use in exercise torpedoes. The Contractor shall also provide technical support upon request.

The Contracting Authority estimates procuring 1-4 batteries a year. The estimate is based on historic figures and/or expected future use based on the Contracting Authority's best estimate.

1.5 Duration

The duration of the framework agreement is 4 years. The Contracting Authority shall have one or more renewal options for another 3 years. The maximum duration of the agreement including options is 7 years.

1.6 Type of contract

For the assignment, a framework agreement shall be entered into with one contractor.

1.7 Exclusivity

The framework agreement is an exclusive agreement with the exception of the option.

1.8 The structure of the qualifying documentation

The qualifying documentation consists of the following documents:

The main document	Invitation to pre-qualification (this document)
Annex 1	Request letter (template)
Annex 2	Declaration of commitment (template)
Annex 3	Caution, duty of non-disclosure and conflict of interest
Annex 4	Ethical Commitment

2. Conduct of the procedure

2.1 Procurement procedures

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 procurement is conducted according to the procedure "restricted procedure following prior notification" according to FOSA Section 5-1 first paragraph. This is a procedure consisting of two phases starting with this qualification phase. All interested contractors have the opportunity to submit a request to participate in the tender.

2.2 Tender notice

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

2.3 Important dates

2.3.1 Progress plan

The Contracting Authority plans to conduct the procurement in accordance with the progress plan below.

Please note that the progress plan is tentative, and that the Contracting Authority may make adjustments during the process. **Requests that are submitted too late will be rejected.**

ACTIVITY	DATE
Publication of notice in Doffin/TED	29.09.2021
Deadline for questions about the qualification documentation	25.10.2021
Deadline to submit requests for participation	03.11.2021 kl. 00:00
Evaluation of requests for participation	Week 44
Submission of tender documentation	09.11.2021

2.4 Communication, questions about the pre-qualification and additional information

All communication in the procurement process period shall take place via Mercell.

In the tender in Mercell, please choose the folder «communication». Click on the icon «new message» in the menu. Write the question/information and click «send». The Contracting Authority will then receive the question/information.

Any questions from contractors about the pre-qualification must be submitted within the deadline stated in clause **Feil! Fant ikke referansebildet..**

All questions will, well ahead of the expiry of the deadlines to submit requests, be answered anonymously and made available as additional information for all those who have notified their interest in Merzell. Additional information is available under the folder «communication» and then under the folder «additional information». Contractors that have already notified their interest will also receive a message via e-mail if additional information is provided. The contractor can then follow the link in the message to reach the relevant information.

2.5 Corrections, supplements and/or amendments to the qualification documentation

Within the expiry of the deadline to submit requests, the Contracting Authority is entitled to make corrections, supplements and amendments to the qualification documentation that are not substantial. Corrections, supplements or amendments to the qualification documentation will immediately be sent out to all contractors that have registered their interest in Doffin.

3. Administrative provisions

3.1 Language

All written and oral communication relating to this tender shall be in Norwegian or English. The language requirement also applies to the actual tender.

3.2 Security

3.2.1 Classified procurements

Act of 20 March 1998 No. 10 relating to Protective Security Services (the Security Act) applies to procurements that are classified pursuant to this act.

This procurement is classified as UNCLASSIFIED.

3.3 Public access to documents and confidentiality

For the general public's access to documents relating to a public procurement, the Freedom of Information Act and the Non-Disclosure Regulation in the Public Administration Act apply.

The contractors must submit one copy of the request for participation where the contractor censors what the contractor considers to be trade secrets according to Norwegian law. Examples of such confidential information can be information about employees, reference descriptions, information about collaborating partners, etc.

In connection with requests for access to information, the Contracting Authority must independently of the view of the contractor, assess whether the information is of such a nature that the Contracting Authority is obliged to give access.

The contractors shall protect information of a confidential nature, which is made available to them in connection with the procurement.

3.4 Code of ethics and general requirements for the case handling

Employees in the defence sector and contractors participating in the tender shall act in accordance with good business practice and ensure a high business ethical standard in their case handling in all phases of the procurement process.

A further review on this appears from Annex 3 – Caution, duty of non-disclosure and conflict of interest and Annex 4 – Ethical Commitment. By submitting request for participation, the contractor confirms that Annex 3 and 4 is read and accepted, and that any information according to Annex 4 section 3 appears from the request.

3.5 The contractor's costs relating to participation in the procurement process

Costs incurred by the contractor in connection with the preparation, submission or follow-up of the request for participation and qualification process will not be refunded. Participation in this procurement process will not in any way commit the Contracting Authority to enter into contract with the contractor, or impose any type of economic obligations upon the Contracting Authority towards the contractor.

4. Qualification requirements

4.1 Introduction

The contractor must fulfil all of the qualification requirements listed below in order to qualify for participation in the tender.

The contractor is responsible to submit all of the below requested documentation as documentation of the fulfilment of the set requirements. Lacking and/or deviating documentation may entail rejection.

The tender documentation and an invitation for further participation in the tender will only be sent to qualified contractors.

4.2 Reliance on the capacity of other entities

The contractor can choose to rely on the capacity of other entities in order to fulfil the requirements to the contractor's economic and financial capacity and to technical and professional qualifications. Other entities include parent companies, collaborating partners, subcontractors etc.

If the contractor 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 Annex 2 – Declaration of commitment.

4.3 Requirements to the contractor's registration, authorisation etc.

REQUIREMENT	DOCUMENTATION REQUIREMENT
The contractor must be registered in the Central Coordinating Register of Legal Entities or the Chamber of Commerce in the state where the contractor is established	Norwegian contractors: <ul style="list-style-type: none">- Certificate of Registration Foreign contractors: <ul style="list-style-type: none">- Confirmation that the contractor is registered in the Central Coordinating Register of Legal Entities or a Chamber of Commerce in the state where the contractor is established.

4.4 Regarding requirements for the contractors' economic and financial capacity

REQUIREMENT	DOCUMENTATION REQUIREMENT
<p>The contractor must have sufficient economic and financial capacity to execute the contract.</p> <p>It is sufficient in order to fulfil the requirements that the contractor has achieved the credit rating «A» or similar.</p>	<p>Credit rating from an acknowledged credit rating company based on the latest accounting data. The credit rating must not be older than 3 months.</p>

If a contractor relies on the capacity of other businesses in order to fulfil this requirement, the Contracting Authority can require that they shall be jointly and severally liable for the execution of the contract.

If the contractor has justifiable reason not to submit the documentation requested by the Contracting Authority, the contractor can document its economic and financial capacity by submitting any other document which the Contracting Authority deems suitable.

4.5 Requirements to the contractors' technical and professional qualifications

REQUIREMENT	DOCUMENTATION REQUIREMENT
<p>The contractor must have good experience from similar deliveries.</p>	<p>Overview of the contractor's 3 most relevant assignments during the past 3 years. In order to secure sufficient competition, documentation for deliveries performed by the contractor more than 3 years ago may also be taken into consideration. The overview must include a specification of:</p> <ul style="list-style-type: none"> • The value of the assignment • Time of assignment • Brief description of the delivery <p>It is the contractor's responsibility to document relevance through the description.</p>
<p>The contractor must have a good and efficient quality assurance system.</p>	<p>Description of the contractor's quality assurance methods.</p> <p>If the contractor is certified pursuant to ISO 9001:2015 or equivalent standards, it is sufficient to submit a copy of a valid certificate.</p>
<p>The contractor must have a good environmental management system.</p>	<p>Description of environmental management measures that are implemented in the business.</p> <p>If the contractor is certified pursuant to ISO 14001 or equivalent standards, it is sufficient to submit a copy of a valid certificate.</p>

5. Assessment qualification

5.1 Implementation of the qualification phase

The Contracting Authority will consider whether the qualification requirements in clause 4 are fulfilled on the basis of the documentation delivered by the contractors together with the request for participation in the tender.

Contractors that do not fulfil one or more qualification requirements will be excluded from the tender.

6. Preparation of request for participation in the tender

6.1 Structure of the request

The request shall contain the following documents:

Section number	Document	Annex
1	Completed request letter	Annex 1
2	A Declaration of commitment if the contractor is assisted by other entities in order to fulfil qualification requirements to economic and financial capacity and/or technical and professional qualifications	Annex 2
3	Documentation of fulfilment of the qualification requirements	
4	Any censored request	See clause 3.3

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

It is not possible to submit requests for participation relating only to parts of the procurement.

7. Submission of request for participation in the tender

7.1 Submission of requests

All requests for participation shall be submitted electronically in Mercell within the deadline stated in clause 2.3.1.

The contractor may, before the expiry of the deadline to submit requests, make amendments and submit a new request. The latest submitted request counts as the final one.

8. Closing of the qualification phase

8.1 Notice of exclusion and rejection

The Contracting Authority will inform all contractors in writing if their request for participation in the tender is excluded as a consequence of under-fulfilment of the qualification requirements.

The notice will include a justification for why the contractor is not considered as qualified.

If the Contracting Authority finds that exclusion does not correspond to the qualification requirements or the selection criteria, the Contracting Authority can reverse its decision and let the contractor participate in the tender.

8.2 Deadline for request for interim injunction

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