



FORSVARSBYGG

INVITATION TO PREQUALIFICATION - (FOSA above EEU threshold)

1 INTRODUCTION

This procurement is conducted by the Norwegian Defence Estates Agency (NDEA) 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 "negotiated 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. A given number of the qualified contractors will be invited to submit their tender in the next phase of the procedure (the tender phase), see clause **Feil! Fant ikke referansekinden.** and 5.

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

1.1 The structure of the qualification documentation

The qualification documentation consists of the following documents:

The main document	Invitation to Qualification (this document)
Annex 1	(U) Project Background and Description
Annex 2	(U) Self declaration of ethical commitments
Annex 3	(U) Self declaration of security requirements
Annex 4	(U) Declaration of commitment (template)

The invitation to Tender will be sent to qualified contractors only.

2 INFORMATION

2.1 Short description

Scope of supply:
A shiplift platform and transfer system including installation and commissioning.
See details in Annex 1.

2.2 Information meeting and visit

NDEA will not arrange any open information meeting in connection with the qualification process.

NDEA will contact the contractor after the request for qualification is submitted and reserves the right to visit the contractor if deemed necessary after the first evaluation.

2.3 Communication

All unrestricted communication will take place via Mercell. See www.mercell.com.

The answer to a question from one contractor will be submitted to all potential contractors through the Mercell system.

If needed, use the following contact information

Name: Arild R. Johansen

e-mail: arild.richard.johansen@forsvarsbygg.no

3 REQUIREMENTS TO THE REQUEST FOR QUALIFICATION

3.1 Language

The request for qualification with supplemental documentation shall be submitted in English.

3.2 The submission of the request for qualification

The request for qualification shall be submitted electronically via www.mercell.no within the deadline. For any question regarding the Mercell system contact Mercell support telephone +47 21 01 88 60 or e-mail support@mercell.com.

Electronic signatures are required in public procurements. (BankID, Commfides or Buypass), NDEA recommends the contractor to allow sufficient time to test the certificate before the deadline. Reference is made to the test functionality in Mercell.

Electronic signature outside Norway.

The following electronic signatures from Sweden and Denmark are available:

Sverige: Svensk Bank ID, Nordea

Danmark: Nem ID, TDC/OCES

Note: In case there isn't a signature that works from your country that is compliant with Mercell, you can sign your request manually. When you are ready to send your request, you will find a PDF called *Bid details*. If you print, sign by hand, and scan this document, you can upload it under the tab Documents. Then you can send us a message and we will remove the need for digital signature so you can send your bid without it.

3.3 Deadline and further progress

The deadline for submission of the request for qualification: 10 December at 12.00hrs.

Further preliminary milestones

- Estimated time for the decision of qualified contractors: 1 March 2022.
- Submission of the invitation to tender: August 2022.
- Contract award: December 2022.
- The final installation: 2027/28.

4 REQUIREMENTS

4.1 Qualification requirements

The following qualification requirements apply to contractors requesting to participate in the competition:

Requirements:	Documentation to be submitted:
General requirements:	
The contractor must be a legally registered company.	Foreign contractors must provide documentation that it is legally registered in its own country. Norwegian contractors may document compliance with this requirement by tax certificate. See below.
The contractor must document that it properly fulfils its obligations regarding the payment of tax and VAT. (applies to Norwegian contractors only)	Tax certificate "Attest for skatt og merverdiavgift" (RF-1316). The certificate may be ordered by altinn.no . The certificate shall not be older than 6 months calculated from the application deadline.
Financial status:	
The contractor shall be creditworthy	Credit rating not older than 6 months calculated from the application deadline. The credit rating shall contain an assessment of the contractor's payment tracking/reliability. The credit rating shall be presented as a grade (letter or number) against a defined scale.

Requirements:	Documentation to be submitted:
	If the contractor in order to fulfil the requirement refers to guarantee from other company (e.g. mother company) a similar credit rating is required from this company. A legally binding confirmation of the liability under the contract is needed from the other company.
The contractor must have sufficient economic and financial capacity to complete the delivery.	The contractor's financial statements from the latest available financial statement.
Technical and professional qualifications:	
The contractor must have good experience and competence from design and deliveries of similar systems with regards to capacities and functions (type, size and complexity)	<p>Description of the contractor's most relevant assignments. The contractor shall through the description of the assignments prove experience within:</p> <ul style="list-style-type: none"> • Design and delivery of a shiplift platform with capacity 2 000 tons or above • Design and delivery of a self propelled rail transfer system with capacity 2 000 tons or above • Classification in accordance with the rules and regulations of a recognized class society • After sale service <p>The description of all deliveries shall contain a specification of:</p> <ul style="list-style-type: none"> • The customer (name and place) • The value of the assignment • Time of delivery • Scope of delivery • Recipient's contact person (name, telephone and e-mail) <p>It is the contractors' responsibility to confirm and prove the competence and capacity to deliver according to Annex 1.</p>
The contractor shall have the sufficient capacity to fulfil the contract.	<p>Description of the contractor's capacity</p> <ul style="list-style-type: none"> • engineering and production quality follow up personnel • production facilities
Security clearance:	

Requirements:	Documentation to be submitted:
<p>This procurement process itself will be unclassified and no security clearance will be required. However, personnel dedicated to perform the installation of the system to the quay must have all needed prerequisites to achieve the clearance level Secret (S)/Nato Secret (NS).</p> <p>Note that the contractor bears the risk that the security clearance is achieved within the time frame, unless the delay is due to circumstances the Contracting authority is responsible for.</p>	<p>Fill in and deliver the document Annex 3 (U) Self declaration of security requirements</p>
Quality assurance and environment management (HSEQ)	
<p>The contractor must have a good and efficient quality assurance system.</p>	<p>Description of the contractor's most relevant quality assurance methods implemented in the business.</p> <p>If the contractor is certified pursuant to ISO 9001 or an equivalent standard a copy of a valid certificate should be attached.</p>
<p>The contractor must have a good environmental management system.</p>	<p>Description of environmental management measures implemented in the business.</p> <p>If the contractor is certified pursuant to ISO 14001 or an equivalent standard, a copy of a valid certificate should be attached.</p>

Note that there could be additional qualifications and documentation requirements in the announcement (Doffin/TED).

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 4 (U) Declaration of commitment.

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.

NDEA reserves the right to request additional information from the contractor group if deemed necessary.

5 NUMBER OF CONTRACTORS – SELECTION CRITERIA

NDEA reserves the right to exclude qualified contractors that will be invited to submit a tender.

The exclusion of surplus qualified contractors is made based on the Contracting Authority's assessment of which contractors that are best qualified based on the submitted documentation.

The following criteria will form the basis for the selection:

Selection criteria
Technical and professional qualifications
After sales service organization
Financial Status
HSEQ standards

6 PROTECTON WORTHY INFORMATION

6.1 In the execution phase.

The execution phase of the contract is under the requirements given in the Norwegian Act on National Security. The contractor may be given access to security classified information or protection worthy object or infrastructure.

6.2 General security conditions

Due the progress of the execution of the contract all contractors must be Norwegian companies or companies from states with a currently valid security agreement with Norway.

Contractor's personnel from whom security clearance is requested must only have Norwegian citizenship or citizenship from countries with which Norway has security co-operation.

The contractor must allow three months for processing the request in case the personnel are Norwegian citizens only. The time for processing the request counts from the Personnel Data Form is received by the security clearance authority.

A person with foreign citizenship may, after a concrete overall assessment, receive security clearance, in case there are no reasons to doubt that the person's background in terms of security is proper. The authority will emphasise the security status of the home country, the person's connection to the home country and the connection to Norway. The result of such requests are uncertain, and in any case significantly longer processing time must be expected compared to Norwegian citizens.

Note that the risk of a disapproval of the authorisation or security clearance or processing time exceeding three months is on the contractor, unless the delay is due to circumstances for which the Contracting Authority is responsible.

6.3 Self-declaration of the security requirements

The contractors must fill in a self-declaration of the security requirements. See Annex 3 (U) Self declaration of security requirements to this Qualification document.

7 OTHER INFORMATION

7.1 Use of personnel with background from the Defence sector

7.1.1 In the procurement phase

The contractor may as a main rule not use personnel who have been employed in the Defence sector in the last two years in direct contact with the Contracting Authority under this procurement process. In cases where these restrictions are deemed unreasonable or not possible for the contractor to fulfil, exceptions may be made.

7.1.2 In the execution phase

Until two years after a person have been employed in the Defence sector, the contractor shall act with caution in relation to use of the person in the execution of the contract, to ensure that the person is not set in any conflict of interest.

7.2 (U) Self declaration of ethical commitments

The contract shall, as a part of the request for qualification, sign a self-declaration of ethical commitment. See Annex 2. In case the contractor confirm positively on any of the issues in the self-declaration paragraph 3, the Request for qualification document shall contain a description of the case.

7.3 Processing of privacy information

The Request for qualification should not contain more sensitive or confidential information than is explicitly required for the evaluation process.

For further information on processing of privacy information, see the Contracting Authority's privacy statement on <https://forsvarsbygg.no/no/om-oss/personvern/>.

8 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, with reference to the regulations of defence and security procurements (*forskrift om forsvars- og sikkerhetsanskaffelser*) § 10-6.

9 SAMARBEID MED SKATTEETATEN – FULLMAKT TIL FORSVARSBYGG

This paragraph applies to Norwegian contractors only:

Forsvarsbygg har inngått et samarbeid med Skatteetaten, hvor formålet er forebygging og bekjempelse av arbeidslivskriminalitet. I den forbindelse krever Forsvarsbygg at tilbyder som innstilles til kontrakt skal sende inn signert fullmakt, før kontraktsinngåelse, som gir Forsvarsbygg en utvidet rett til et ubegrenset antall ganger å innhente opplysninger om tilbyderens skatte- og avgiftsmessige forhold. Fullmakten ligger som vedlegg til Del I Innbydelse til konkurranse.

Kravet om signert fullmakt gjelder også for tilbyderens underleverandører. Tilbyderen skal kontraktsfeste signeringsplikten nedover i leverandørkjeden. Før signering av kontrakt kreves det dog kun signert fullmakt fra tilbyder, med mindre underleverandører benyttes for å oppfylle et kvalifikasjonskrav i konkurransen. I så fall skal signert fullmakt foreligge fra både tilbyder og underleverandører. Signert fullmakt fra øvrige underleverandører må imidlertid være levert og godkjent av oppdragsgiver før de kan benyttes i kontrakten/prosjektet. Dette gjelder i hele kontraktsperioden.

Forsvarsbygg gjør oppmerksom på at det kan være aktuelt å avvise den tilbyder og eventuelle underleverandører som i meddelelsesbrevet er innstilt som vinner av konkurransen, dersom det etter meddelelse, men forut for signering av kontrakt, mottas opplysninger fra Skatteetaten om manglende oppfyllelse av skatte- og avgiftsforpliktelser mv. Tildelingen kan derfor ikke anses endelig før det foreligger en vurdering av de innhentede opplysninger som ikke endrer oppdragsgivers tildelingsbeslutning. Det presiseres også at hvis det ikke mottas signert fullmakt fra tilbyder og eventuelle underleverandører som man har støttet seg på for å oppfylle kvalifikasjonskravene, vil dette anses som et vesentlig forbehold til kontrakten som vil medføre at tilbyder avvises fra konkurransen.

Kontrakten kan bli gjenstand for oppfølging gjennom hele kontraktsperioden. Oppfølgingen innebærer at tilbyder sender månedlige oversiktslister til Forsvarsbygg med fødsels- eller D-nummer på alle ansatte som utfører arbeid som ledd i oppfyllelsen av kontrakten. Listene vil kontrolleres av Skatteetaten.

10 THE CONTRACTING AUTHORITYS RESERVATIONS

The Contracting authority reserves the right to cancel the procurement if reasonable ground exists, for example lack of funding or approval from political or military authorities.

11 REQUEST FOR QUALIFICATION – CONTENT AND DOCUMENT STRUCTURE

The request for qualification should contain the following documents:

(Use the table below as a checklist)

Nr:	Delivery requirement	(X)
1.	Completed request for qualification letter	
2.	Deviations and reservations to the qualification	
3.	Documentation of qualification requirements (see paragraph 4.1):	
	General requirements <ul style="list-style-type: none"> • Certificate of Registration • Tax certificate 	
	Financial status: <ul style="list-style-type: none"> • Credit rating • The contractor's financial statements 	
	Technical and professional qualifications <ul style="list-style-type: none"> • Description of the most relevant assignments • Description of the contractor's sufficient capacity to fulfil the contract. 	
	Documentation of the quality assurance system <ul style="list-style-type: none"> • Description of the contractor's quality assurance methods. • copy of a valid certificate 	
	Documentation of the environmental management system <ul style="list-style-type: none"> • ISO 14001 or an equivalent standard • Copy of a valid certificate 	
4.	Self-declaration of ethical commitments	
	Use template in Annex 2 - (U) Self declaration of ethical commitments	
5.	Self-declaration of security requirements	
	Use template in Annex 3 - (U) Self declaration of security requirements	
6.	Self-declaration of commitment (if relevant)	
	Use template in Annex 4 - (U) Declaration of commitment (template)	

Note that it is the contractor's obligation to deliver all required information; otherwise the request may be rejected. Please contact the Contracting authority if it is unclear what required information is.

If the contractor becomes aware of errors or unclear information in the qualification documents he obliges to notify the Contracting authority as soon as possible so the they can be corrected in due time.

1.2 Notice of exclusion and rejection

The Contracting Authority will inform all contractors in writing if their request for participation in the tender is excluded because of under-fulfilment of the qualification requirements or is rejected for being a surplus qualified contractor.

The notice will include a justification for why the contractor is not considered as qualified or did not reach the qualification phase.

If the Contracting Authority finds that exclusion or rejection 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.



FORSVARSBYGG
