

**PROCUREMENT NO. 100899
CYBERNETIC CONTROL SYSTEM FOR HYPOBARIC CHAMBER,
INCLUDING A CANDIDATE LOGISTICS SUPPORT AGREEMENT
FOR THE CYBERNETIC CONTROL SYSTEM AND HYPOBARIC
CHAMBER**

INVITATION TO PRE-QUALIFICATION

Negotiated procedure with publication of a contract notice

**The Norwegian Regulation on Defence and Security
Procurement (FOSA) Parts I and II**

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1. Introduction

1.1. About the Purchaser

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

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

Land Systems Division is responsible for acquiring and ensuring the delivery of needed ground combat and support equipment for the Norwegian Armed Forces. Furthermore, it is responsible for ammunition, personal clothing and equipment, base systems, provisions, oil and lubricants, chemicals, CBRN protection and medical supplies on behalf of the Norwegian Armed Forces and other Ministry of Defence entities.

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

The Norwegian Defence Materiel Agency will in the following be referred to as NDMA or 'the Purchaser'. This procurement will be executed by Land Systems Division.

1.2. User

The Purchaser will enter into the agreements on behalf of the Norwegian Armed Forces (NAF) Representatives from NDMA and NAF may use and/or make call-offs under the agreements.

1.3. Candidate

The potential Candidates including their collaborating partners will be referred to as the "Candidate" in this Invitation to pre-qualification.

1.4. Operational scope

The objective of this procurement is to meet the Norwegian Armed Forces' need for an upgraded, secure and well-functioning hypobaric chamber suitable for expediently training flight personnel in accordance with *STANAG 3114, AEROMEDICAL TRAINING OF FLIGHT PERSONNEL "Experience of Change of Pressure and Hypoxia"*. Furthermore, chamber facilitates research and additional altitude training of other relevant personnel.

The operational scope will also include later STANAGs' and/or editions to the extent they replace the present one.

1.5. Terminology

If not otherwise explicitly follows from the context, the word *system* refers to the cybernetic control system. *Chamber* refers the hypobaric chamber, and *the complete system* refers to both, including any interfaces and integration needed to ensure the complete system's operational scope.

1.6. Candidate's system responsibility and liability

Candidate have the responsibility and liability that the complete system realizes its operational scope in the cybernetic control systems lifetime.

1.7. Scope

The procurement consists of

- (i) the purchase and installation of a new cybernetic control system incl. interface with, upgrade, modernization and overhaul of today's hypobaric chamber
- (ii) upgrade, modernization and overhaul of any GFE-materiel
- (iii) user course and any other services and/or materiel needed to operate the system, and
- (iv) a Candidate Logistics Support (CLS) - agreement securing an expedient use of the overall system throughout the cybernetic control systems lifetime.

1.8. GFE-materiel (government furnished equipment)

Reuse of components/material from today's system is favorable to the extent it can be done without limiting the Candidate's system responsibility. With exception of the chamber, the Candidate may suggest materiel to be reused in his tender. Changes to the GFE-list after contract award, will after award only be compensated upon Purchaser's approval and rules on cost control.

The tentative GFE-list;

- Hypobaric chamber
- six ascent/decent valves (isolation valves and rapid decompression valves).
- oxygen distribution system with data capture of respiration rates
- two Sogevac SV 750 vacuum pumps

More information on the use of GFE-materiel will be provided in the invitation to tender.

1.9. Disposal of materiel

The Purchaser will dispose of materiel/components which have been in use and is no longer needed.

1.10. Place of execution and installation facilities

Place of delivery and installation will be at The Norwegian Institute of Aviation Medicine (NIAM)'s location in Oslo.

1.11. System facilities

The Norwegian Defence Estates Agency (NDEA) may agree to do non-substantive changes to the building facilities such as changes to non-load bearing walls, new electricity lines and outputs, upgrade of cooling systems and/or ventilation etc. Costs relating to this will be stipulated by NDEA and taken into consideration by Purchaser when evaluating each tender.

1.12. Duration of the CLS-agreement and system lifetime

The duration of the CLS-agreement is set to 10 years with the option to prolong it throughout the cybernetic control systems lifetime. System lifetime beyond 10 years will be considered as beneficial when evaluating tenders.

A change of supplier may cause technical difficulties during the cybernetic control systems lifetime. This is why the duration of the agreement is set to 10 years ref FOSA § 6-1(4).

1.13. Contract type and scope

The purchase- and CLS-agreement will be entered into with one and same Candidate.

Both the purchase- and CLS-agreement will be structured as price contracts. However, both will contain cost control-clauses that applies to purchases which have not been subject to competition. The Purchaser will then have the right to view accounting data, vouchers, etc. The Purchaser may rely on the contract audit office (Kontraktrevisjonskontoret) in structuring and executing the price contract, see ARF § 5-14.

The CLS-agreement will in part be structured as a framework agreement, but also have a fixed price and cost control elements.

1.14. Tenders on only parts of the scope

Tenders for only part of the scope will not be accepted.

1.15. Value

The estimated total amount of both agreements is 20 000 000 – 49 000 000 NOK excl. VAT depending on the solution.

1.16. Governing rules and regulations

This procurement is conducted in accordance with the Public Procurement Act of 17 June 2016 no. 73 (the Procurement Act) and its Regulation laid down by royal decree of 4 October 2013 no. 1185 on Defence and Security Procurements (FOSA).

In addition, this procurement is regulated by the Norwegian Ministry of Defence's internal instruction Norwegian Defence Acquisition Regulations (ARF) of October 25, 2013, part I, II and IV. Note, that it does not provide any rights for third parties. Third parties here meaning all potential Candidates, their collaborating partners and/or any other claimant.

The procurement is subject to the Security Classification Specification below, which is regulated by the Norwegian National Security Act incl. regulations. This limits the procurement to Candidates who meets and submits to the requirements therein and is approved by and enters into a security agreement with the Purchaser and/or Norwegian national security authority.

The system may, once in use, contain personal data. The Candidate and his personnel shall comply with the Norwegian National Personal Data Act of 15th of June 2018's rules on protection of natural persons. This including both processing of personal data and free movement of such data.

The IT-equipment will be subject to the Regulation on restrictions on the use of chemicals that are hazardous to health and the environment and other products laid down by royal decree 1st of June 2005

No. 922 (Produktforskriften), the Regulations on registration, assessment, approval and restriction of chemicals (REACH-forskriften) laid down by royal decree of 30th of May 2008 No. 516 and Regulations on environmentally friendly design of energy-related products of 23rd of February 2011 No. 190.

Applicable laws and regulations are available in Norwegian at: www.lovdata.no.

1.17. Security Classification Specification

The procurement is subject to the following Security Classification Specification and Candidate must comply with the requirements herein.

SECURITY CLASSIFICATION SPECIFICATION	HIGHEST CLASSIFICATION LEVEL
Tender documents and process	UNCLASSIFIED
Contract and contract provisions	UNCLASSIFIED
Design and System Specifications	UNCLASSIFIED
Stand-alone components, phases, design stage, assembly of components to and with final product, but up to installation	UNCLASSIFIED
Installation incl. access to defence areas	RESTRICTED
System once in use incl. electronic information	RESTRICTED
Security clearance of Candidate's employees	RESTRICTED

1.18. Award conditions approval from the Norwegian National Security Authority

Award conditions that the Candidate is approved by the Norwegian National Security Authority for handling classified information in accordance with the above given national security classification.

Compliance will be assessed after best and final tenders, but before contract award. Only the Candidate being likely to being awarded the contract will be assessed. Approval must be acquired by Candidate without undue delay and within reasonable time. Non-approval and/or exceeding of time limits will constitute valid ground for moving ahead with the second-best Candidate and awarding them the contract if they're in compliance with Purchasers minimum requirements.

1.19. Structure of the Invitation to pre-qualification

The prequalification process is regulated by the contract notice and this Invitation to pre-qualification incl. Appendices. Use the attached forms and templates when preparing your pre-qualification request.

Main document	Invitation to pre-qualification (this document)
Appendix 1	Request to be pre-qualified (template)
Appendix 2	Deviation to the Invitation to pre-qualification (template)
Appendix 3	Declaration of Commitment (template)
Appendix 4	Ethical statement for suppliers to the Royal Norwegian Ministry of Defence with underlying agencies
Appendix 5	Prudence, Non-disclosure and Conflict of Interest
Appendix 6	Ethical guidelines for contact with business and industry in the defence sector
Appendix 7	Deviations from requirements in the prequalification

2. Conduct of the procedure

2.1. Communication

The Purchaser has granted Merccell Norway AS the contract for electronic tender process. Communication concerning this competition will be carried through Merccell-portal; see tab *Communication* in the portal.

2.2. Procurement procedure

The procurement is conducted as a negotiated procedure with publication of a contract notice in accordance with FOSA §5-1(1).

2.3. Tender notice and Invitation to be pre-qualified

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

2.4. Conduct of procedure

The negotiated procedure has two phases starting with this pre-qualification phase regulated by this Invitation to be pre-qualified. All interested Candidates can apply for prequalification.

Pre-qualified Candidates will receive an invitation to tender, which supplements this Invitation to pre-qualification and regulates the tender phase. The Invitation to tender will contain a draft purchase and CLS-agreement.

2.5. Viewing of today's system, GFE-materiel and facilities

There will be a viewing of today's system, GFE-materiel and facilities. The Candidate will be responsible for obtaining necessary visiting permits and security clearances. More information will be given in the Invitation to tender.

2.6. Questions to competition documents

Questions the Candidate may have about the tender notice, the Invitation to be pre-qualified and Invitation to tender may be submitted. Questions are submitted via the Merccell-portal. Questions will be answered anonymously and made available to the Candidates. Competition documents may be updated within reasonable time before relevant due dates.

2.7. Deadline for submitting tenders

The tender shall be received by the Purchaser no later than the deadline for submitting tenders, cf. section 2.10. Tenders received after this deadline will be rejected.

2.8. Opening of tenders

Purchaser will open the tenders after the deadline given in the time schedule. Please note that there will be no public opening of the tenders.

2.9. Evaluation and negotiations

Evaluation of tenders will be performed by applying the award criteria. Evaluation of tenders is based on the documentation received in the tenders.

The negotiated procedure gives the Purchaser the right to negotiate with the Candidates about all sides of the tenders. The negotiations can take place in meetings, in writing and/or orally. Minutes from meetings and oral negotiations will be kept.

The Purchaser will negotiate the tenders submitted by the Candidates to adapt them to the requirements in the contract notice, this Invitation to pre-qualification and the Invitation to tender. This is to seek out the best tender in accordance with the award criteria.

The tender will only be subject to one negotiation round which may consist of several meeting, including following up questions if needed, and is finalised by Purchaser written request of best and final tenders. A first reduction can be made prior to the negotiations, and merely based on a paper evaluation.

2.10. Schedule

The Purchaser plans to carry out the procurement in accordance with the schedule below. The schedule is tentative, and the Purchaser may do adjustments during the process. **Applications for pre-qualification submitted after this deadline will be rejected.**

Line No.	Activity	Date
	Publication of notice in Doffin/TED	20 th of December 2021
	Deadline for questions to the Invitation to be pre-qualified	18 th of January 2022
	If applicable, changes, clarifications etc. to the Invitation to pre-qualification	1 st of February 2022
	Deadline to submit requests to be pre-qualified	15th of February 2022 at 1 pm CET
	Pre-qualification of Candidates	15 th of February – 15 th of March
	Result of pre-qualification	15 th of March 2022
	Distribution of Invitation to tender	16 th of March 2022
	Viewing of facilities and hearing	16 th of March to 6 th of April 2022
	Hearing deadline	13 th of April
	Distribution of finalised technical and functional requirements incl. GFE-list	20 th of April 2022
	Deadline for questions about the Invitation to tender	11 th of May 2022
	If applicable, changes, clarifications etc. to the Invitation to tender	19 th of May 2022
	Tender due date	2 nd of June 2022
	Opening of tenders	3 rd of June 2022
	Evaluation and negotiations	June 2022
	Best and final offers	1 st of July 2022
	Final evaluation	August 2022
	Control of best Candidates compliance with and submission to the Norwegian National Security legislation	August and September 2022
	Contract award and standstill period	15 th of September 2022
	Contract signing	1 st of October 2022
	Production, deliveries and installation	Autumn 2022
	Tender validity date	December 2022

3. Administrative provisions

3.1. Language

All written and oral communication in connection with this tender competition will be conducted in Norwegian or English. The language requirement also applies to the tender itself. The Candidate carries the risk for the Purchaser not considering information communicated in other languages.

3.2. Security clearance and visit permits

Each Candidate is responsible for obtaining necessary visit permits and security clearances for its participants at meetings and, if relevant, inspections and tender conferences held in military areas. More information will be given in the Invitation to tender.

3.3. Delivery terms, licences, EUC etc.

The Candidate will be responsible for providing export licenses and custom's formalities. End User Certificates will be issued to the Candidate and/or his authorities if needed. More information on delivery terms etc. will be given in the Invitation to tender.

3.4. Public disclosure and duty of confidentiality

The Freedom of Information Act applies to public access to documents relating to a public procurement. The Purchaser and its employees have a duty to prevent others from gaining access to and knowledge of information about technical installations and procedures or operational and business matters that should be kept secret for competitive reasons, cf. FOSA §§3-4, 3-14 and 3-15, cf. the Public Administration Act § 13.

This notwithstanding, the Purchaser will, if access is requested, consider whether the information is of a nature that means the Purchaser is obliged to grant access.

The Candidates will protect confidential information that is made available to them in connection with the procurement.

The Candidate is obliged to comply with the Purchaser's instructions concerning security. Reference is made to the Act of 1 July 2018 No 24 concerning national security (the Security Act) and its regulations, and other governing documents.

3.5. Access to information

The Purchaser may at any time during the procurement process require full disclosure of Candidate's accounts if the Purchaser suspects financial fraud and/or financial irregularities. The same applies for Candidate's collaborating partners.

3.6. Ethical guidelines and general procedural requirements

Employees of the defence sector shall act in accordance with good business practice and ensure a high standard of business ethics in their case processing throughout all phases of the procurement process.

Reference is made to Appendix 5 Ethical statement for suppliers to the Royal Norwegian Ministry of Defence with underlying agencies and Appendix 6 Prudence, Non-disclosure and Conflict of Interest.

3.7.Participation costs

Costs incurred by the Candidate in connection with this procurement will not be reimbursed. Participation in the tender and/or procurements process will not in itself oblige the Purchaser to enter a contract with the Candidate, nor involve the Purchaser in any financial obligations.

4. Pre-qualification requirements

Only Candidates who fulfil the pre-qualification requirements below will qualify for the procurement. The Candidate is responsible to submit all requested documentation as documentation of his fulfilment of the set requirements. Lacking and/or deviating documentation may entail rejection.

4.1.Reliance on the capacity of other entities

The Candidate may rely on the capacity of other entities to meet 4.5 concerning Candidates' economic and financial capacity and 4.6 concerning technical and professional qualifications. "Other entities" may include, but is not limited to, parent company, partners and subcandidates. This does not apply to other requirements, such as 4.7 requirements concerning management system qualifications.

If a Candidate relies on the capacity of other entities, it must document that he has the necessary resources at its disposal. This, by enclosing Appendix 2 Declaration of commitment from each of the enterprises and by submitting documentation that verifies that they together fulfil the requirements. The supporting entity may further be required to sign a Parent Company Guarantee, if applicable, or other warranty (security) in the case that the Candidate is awarded the Contract.

4.2.Economic operator who come together in the form of a temporary association

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

4.3.Pre-qualification requirements concerning Candidates' payment of taxes etc.

REQUIREMENT	DOCUMENTATION
<p>The Candidate shall fulfil his obligations regarding payment of tax and VAT.</p>	<p>The Candidate shall document that all obligations regarding the payment of tax and VAT is fulfilled.</p> <p>Tax certificate shall be no older than 6 months calculated from the prequalification due date. Tax certificate means:</p> <p><u>For Norwegian Candidates:</u></p> <p>Certificate issued by a tax collector or the Norwegian Tax Administration regarding:</p> <ul style="list-style-type: none"> - Value added tax - Tax - Payroll tax <p><u>For Foreign Candidates:</u></p> <ul style="list-style-type: none"> • Foreign Candidates must have corresponding certificates from their authorities documenting that they have complied with the rules and regulations relating to taxes, VAT fees, duties etc. If the authorities do not issue such certificates, the Candidate shall forward a statement confirming that all obligations regarding the payment of tax and VAT are fulfilled. The Statement shall be confirmed and signed by the Candidate 's Chief Financial Officer and auditor.

4.4.Pre-qualification requirements concerning Candidates' registration, authorisation etc.

REQUIREMENT	DOCUMENTATION
The Candidate shall be registered in a register of business enterprises, a professional register or a trade register in the state in which it is established.	Norwegian Candidates: <ul style="list-style-type: none">• Certificate of registration (<i>Firmaattest</i>). Foreign Candidates: <ul style="list-style-type: none">• Confirmation that the Candidate is registered in a register of business enterprises, a professional register or a trade register in the state in which it is established.

4.5.Pre-qualification requirements concerning Candidates' economic and financial capacity

REQUIREMENT	DOCUMENTATION
<p>The Candidate shall have sufficient economic and financial capacity.</p> <div data-bbox="204 506 644 577" style="border: 1px solid black; padding: 2px;"><p><i>Note that this analysis might be delegated to a suitable third party</i></p></div>	<p>The Candidate's annual reports (including notes with the board of directors' report and auditor's report) from the last three years.</p> <p>If the annual reports from the previous year is not available when the deadline for submitting tenders expires, the provisional annual accounts for the previous year shall be enclosed.</p> <p>If the Candidate relies on the financial capacity of other entities, the supporting entity may be required to sign a Parent Company Guarantee if applicable, or other warranty (security), incl. bank guarantee, in the case that the Candidate is awarded the Contract.</p>

4.6.Pre-qualification requirements concerning technical and professional qualifications

NO.	REQUIREMENT	DOCUMENTATION
1	The Candidate shall have experience from similar deliveries.	<p>Description of relevant assignments from past five years. This including upgrades of cybernetic control systems for hypobaric chambers and, ideally, deliveries of complete hypobaric chamber.</p> <p>The description shall include the following information:</p> <ul style="list-style-type: none"> • A brief description of the delivery incl. technical readiness levels • The value of the assignment • The time at which deliveries was carried out • The recipient (name, phone number, email address) <p>Please note that the authenticity of the description must be certified on the Purchaser request.</p>
5	The Candidate shall have a supply chain that secures that software, electronic and electric components are assembled in countries with whom Norwegian authorities have security and defence cooperation.	Documentation demonstrating Candidate's organisation and location of supply chain

4.7.Pre-qualification requirements concerning management system qualifications

NO.	REQUIREMENT	DOCUMENTATION
1	The Candidate shall have an expedient Quality Management System	<p>Documentation of an expedient Quality Management System that complies with the requirements of ISO 9001:2015 or equivalent.</p> <p>The Candidate shall enclose a copy of an ISO 9001:2015 certificate issued by an accredited third-party certification body with a scope relevant to the products and services requested.</p> <p>If the Candidate does not have an ISO 9001:2015 third-party certification, the Candidate shall enclose a compliance matrix showing the relations between ISO 9001:2015 and the Candidate 's Quality Management System. The compliance matrix shall give references to the Quality Management System documented information (e.g., process descriptions and/or procedures).</p>
2	The Candidate shall have a suitable configuration management system	A description of configuration management measures that the Candidate has applied when performing similar deliveries.
3	The Candidate shall have an expedient environmental management system.	<p>A description of environmental management measures implemented in the enterprise.</p> <p>If the Candidate is certified to ISO 14001 or an equivalent standard, a copy of a valid certificate is sufficient.</p>

4.8.Exclusion based on circumstances relating to the Candidate

The exclusion provisions in FOSA chapter 11 concerning circumstances relating to the Candidate are applicable. We encourage the Candidates to familiarise themselves with these rules.

5. Submission of pre-qualification requests

5.1. Structure

The application submitted via Merzell should contain the following documentation and should be structured as follows:

No:	Documentation
1.	<p>A signed application letter (appendix 1) containing the following information:</p> <p>Reference to the qualification document's name and number.</p> <p>The Candidate's address, telephone number, and the company identification number</p> <p>The name of the Candidates' contact person, including their telephone number and email address.</p> <p>Binding signature from a person authorised to sign on behalf of the Candidate.</p>
2.	<p>Filled in "Reply to Prequalification" (Excel sheet), with references to relevant documentation.</p>
3.	<p>Documentation of the qualification requirements stated in section 4.</p> <p>Please structure the required documentation in accordance with the requirement structure. If possible, please apply the Requirement documentation number.</p> <p>For example:</p> <p><i>"PQD 1.1 Certificate of registration"</i></p> <p>The document shall be signed by a person authorised to sign on behalf of the Candidate.</p>
4.	<p>Declaration of Commitment, Appendix 2 – <i>if applicable</i></p> <p>If the Candidate relies on the capacity of other entities to fulfil the qualification requirements to economic and financial capacity and/or for technical and professional qualifications, a signed declaration of commitment shall be enclosed.</p> <p>See section 4.1 "Reliance on the capacity of other entities"</p>
5.	<p>Deviations from the prequalification requirements, Appendix 7 – <i>if applicable</i></p>

5.2.Submission of pre-qualification requests

Pre-qualification requests are submitted electronically through the Mercell-portal.

To simplify the review and pre-qualification, the Purchaser requests that:

- The files are submitted in the PDF format
- The files are identified to reflect the content of the file
- The price matrix is also to be submitted in a format compatible with Microsoft Excel

6. Closing of the pre-qualification

6.1.Cancellation of the tender competition

The Purchaser reserves the right to cancel the tender competition if there are reasonable grounds for doing so, cf. FOSA §13-1.

6.2.Notice of exclusion and rejection

The Purchaser will inform Candidates in writing if their request to participate is excluded due to non-compliance of pre-qualification requirements, cf. FOSA §11-12. The information will include a justification in accordance with FOSA.

If the Purchaser finds that the exclusion or rejection does not correspond with FOSA chapter 11 and/or rules set forth in this document, the Purchaser may reverse its decision and let the Candidate participate in the tender.

6.3.Deadline 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 competition must be put forward to the Oslo District Court within 15 days calculated from the day after the notice of exclusion or rejection was submitted, cf. FOSA § 10-6.

6.4.No return of requests to be pre-qualified

The Purchaser will not return the Candidates' request for participation.