

Invitation to Tender Competition

FURNACE/BOILER MAINTENANCE



Open Tender Competition according to part I and part III of the Public Procurement Regulations

Procurement no: 2022/39

Tender submission deadline: 07.06.2022, 12:00 p.m.

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1. Introduction

1.1. About Returkraft AS (www.returkraft.no)

Returkraft is an waste -to- energy facility located on Langemyr, 5 km north of Kristiansand city center. The plant was put into operation in the spring of 2010 and receives approx. 130,000 tonnes of residual waste and special waste annually. The energy from the waste is recycled to electric power and district heating. The energy production at the plant corresponds to the annual consumption of nearly 20,000 family houses.

Returkraft's emissions are far below levels of the authorities' emission level-requirements. Returkraft always puts the environment in focus, and is constantly looking for good ideas that can make our production even more efficient and environmentally friendly.

1.2. Purpose with the tender competition

Returkraft AS hereby invites to a competition for furnace/boiler maintenance at the annual maintenance shutdown at Returkraft plant.

Returkraft wants to enter into an agreement with a supplier who has experience from various areas related to work in and around our water tube boiler. This applies in particular to help in our maintenance shutdowns, but also in the case of foreseen and unforeseen stops that occur between the maintenance shutdowns. As of today, Returkraft AS has planned maintenance shutdowns every 12 months. The next maintenance shutdown is set for September 2023. The Assignment is described in more detail in Appendix A - Requirements specification.

The duration of the agreement will be 1 (one) year, with an option for another 3 years (1 + 1 + 1 year) if Returkraft As so wishes.

Welcome to the tender competition!

2. Qualification requirements

2.1. Fulfilment of the qualification requirements

To be qualified to participate in the competition, Tenderers must meet all the qualification requirements mentioned in **point 2**. This is to ensure that the Tenderers are suitable to fulfil the contractual obligations.

Fulfilment of the qualification requirements must be documented by submitting the requested documents via Mergell together with the Tender.

Tenderers who do not meet the mentioned qualification requirements will be disqualified from participating in the competition.

2.2. Qualification requirements to participate in the competition

Qualification requirements	The Tenderer and any of his subcontractor (s) must have fulfilled all their tax obligations.
Required Documentation	<ul style="list-style-type: none"> • Updated certificate for paid tax and VAT without arrears. • The certificate must not be older than 6 months.

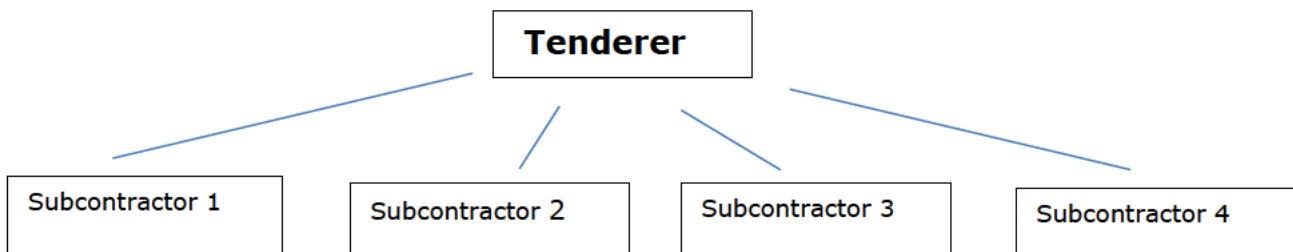
Qualification requirements	The tenderer and any subcontractor (s) must be a legally established company.
Required Documentation	<ul style="list-style-type: none"> • Norwegian Tenderers and any subcontractor (s) must submit an updated company certificate. • Foreign Tenderers (and any subcontractor (s)) must submit an updated certificate (s) for: <ul style="list-style-type: none"> - statutory registration in the country of establishment - documentation that the company has registered in the Norwegian Register of Business Enterprises (Brønnøysund Register) or that the company will do this before signing the contract
Qualification requirements	The Tenderer and any subcontractor (s) must meet statutory requirements in Norway within health, environment, and safety.
Required Documentation	<ul style="list-style-type: none"> ○ Updated HSE self-declaration that the Provider (and possibly subcontractor) meets, or in the event of a contract being awarded, will meet, statutory requirements in Norway within health, environment and safety. ○ The self-declaration must be signed <u>by both</u> the company representative and co-signed by one of the employees in the company.
Qualification requirements	If The Tenderer and any subcontractor (s) plan to use hired foreign labor, a subcontractor from abroad, or are themselves a foreign registered company, all requirements in laws and regulations regarding work in Norway must be met by the Tenderer. See also point 2.4 of this document.
Required Documentation	<ul style="list-style-type: none"> ○ The tenderer and any subcontractor (s) must submit a self-declaration that they have routines for and are familiar with the obligations incumbent on the company. ○ If the Tenderer and any subcontractor (s) are not to use subcontractor / hired personnel from abroad, this must be specifically stated in the Tender letter.
Qualification requirements	The Tenderer and any subcontractor (s) are obliged to take out and maintain the necessary insurances for the claims and liability cases that may arise during the contractual relationship.
Required Documentation	<ul style="list-style-type: none"> ○ The Tenderer and any subcontractor (s) must document their updated insurances. ○ The scope of coverage shall include all relevant cases of damage and liability that may arise during the contractual relationship. ○ The scope of coverage shall include all geographical areas for the Assignment during the entire contract period.
Qualification requirements	The Tenderer must have fulfilled its accounting obligations and have sufficient economical and financial solidity to carry out the Assignment.
Required Documentation	<ul style="list-style-type: none"> ○ For the Tenderer, there is a requirement for the Auditor's approved annual accounts for the last two financial years which show positive equity and liquidity of at least 50% of the expenses for each of the financial years. ○ If the Tenderer has objective reasons for not submitting the documentation required by Returkraft here, he may document his economic and financial capacity by submitting any other document that Returkraft deems suitable (eg bank guarantee).

Qualification requirements	The Tenderer may have a maximum of one subcontractor in the direct chain below him. When using a subcontractor, there is a requirement to submit a Declaration of Commitment, as well as a confirmation that you have the right to dispose of the resources throughout the contract period. See also point 2.3 of this document.
Required Documentation	<ul style="list-style-type: none"> ○ The Tenderer <u>must submit a Declaration of Commitment</u> which confirms that the tenderer has the right to dispose of the resources during the entire contract period. ○ If the Tenderer is not to use a subcontractor, <u>this must be specifically stated.</u>

Qualification requirements	The Tenderer shall have welding procedures for typical boiler steel and dimensions. The Tenderer must have the necessary certified welders for the execution of the Assignment.
Required Documentation	<p>The Tenderer must confirm and document welding procedures for the following typical steel grades related to boiler work:</p> <ul style="list-style-type: none"> • Inconel® 625 (overlay welding) • 16Mo3 (boiler pipe) • P235 (steam / water pipe) • enclose a welding certificate for the relevant persons.

2.3. Qualification requirements when using a subcontractor

The Tenderer must state the subcontractors the Tenderer may wish to use, and for which tasks. If the Tenderer chooses to use subcontractor (s), he may have **a maximum of one subcontractor link in the direct chain below it** (see illustration below).



If the Tenderer wants to rely on subcontractors, **a declaration of commitment** must be submitted which shows that the Tenderer will have the necessary resources available throughout the contract period as specified in point 2.2. **Subcontractors must meet all the specified qualification requirements mentioned in section 2.2. which specifically refers to subcontractors.**

2.4. Foreign companies that conduct business in Norway

The tenderer must meet the applicable legal requirements for companies operating in Norway at any given time, including that the company must be registered in the Brønnøysundregister, in the VAT register, if the contract sum exceeds Nok. 50,000, -, ID check of foreign workers in Norway etc. (the list is not supplementary). More information about this at www.skatteetaten.no. The Tenderer (and any subcontractor) shall in their tender confirm that they will comply with the applicable legal requirements regarding this at all times.

3. Other low requirements

3.1. Requirements for working and wage conditions

The contract will contain requirements for pay and working conditions, documentation and sanctions in accordance with the regulations on pay and working conditions of 8 February 2008 no. 112.

4. Quality

In his tender, the Tenderer shall include and describe all requirements specified in Appendix A - Requirements Specification, including clearly describing its quality for the Assignment, cf. Appendix A - Requirements Specification.

The Tenderer must also refer to experience from similar assignments and must in Appendix B «Price and reference form» state a minimum of two references from customers related to the two most relevant assignments, in the last 3 years. If the Tenderer has previously had a similar assignment for Returkraft, the Tenderer **must state** Returkraft as one of its references. Returkraft reserves the right, but has no obligation, to contact the references for verification and reference checks.

5. Price

5.1. Price

The contract currency is Norwegian kroner. Tenderers must state their prices *in Appendix B - «Price and reference form»*. Price must be stated in Norwegian kroner - NOK, excluding VAT.

The offer price shall include all relevant cost drivers (such as, but not limited to: insurance, travel and transport of personnel and equipment, accommodation, board and lodging during work until the Assignment is completed, coverage for liability and other obligations arising from the contract). Additional invoicing in addition to what is mentioned in the Qualification and Competition Basis with appendices is not permitted.

5.2. Price regulation

Prices can only be adjusted as a result of changes in the consumer price index (CPI total, Statistics Norway) after the first year of the contract, based on the month before the option period, in the event of an option being exercised.

The Tenderer is responsible for reporting and documenting changes in price. Other changes / adjustments in the price cannot be required.

5.3. Delivery conditions and payment terms

Delivery conditions are in accordance with DDP in Incoterms 2020 to Setesdalsveien 205, 4618 Kristiansand. Returkrafts customs credit shall not be used.

Payment terms are **netto per. 30 days**. All invoices must be affixed as far as the Assignment is concerned, and any additional assignments must be specified. Invoice fee or other forms of fee are not accepted.

6. Award criteria

The Tender must meet all the conditions in the Competition and Qualification Basis with appendices. Returkraft will base the award of a contract on the basis of an overall assessment of the set requirements, evaluated on the basis of the award criteria below:

Award criteria	weighting	Documentation requirements
Price:	60%	
The Tender will be assessed on the basis of the Tenderer's stated price, cf. point 5 in this document.		<ul style="list-style-type: none"> The Tenderer must state the price in <i>Appendix B- «Price and reference form»</i>. Price must be stated in Nok. excl. VAT. The Tender is responsible for ensuring that all relevant cost elements are included. Additional invoicing is not permitted beyond what is mentioned in the Competition Basis with attachments.
Quality:	40%	
Quality for the Assignment will be assessed based on the Tenderer's description of quality, cf. point 4. of this document and the requirements in Appendix A- Requirements Specification.		<ul style="list-style-type: none"> The Tenderer must describe its quality, cf. <i>Appendix A «Requirements specification»</i>. The Tenderer must state its references in <i>Appendix B - «Price and reference form»</i>.

After evaluation of the received tenders, all tenderers will be informed via the Merccell -portal with information on whom will be awarded the framework agreement and on what grounds. The tenderers will then have 10 working days for any eventually objections.

7. Time Schedule

The client has set the following timeframes for the process:

Activity:	Deadline:
Inspection registration	12.05.2022, kl.14:00
Inspection	16.05.2022, kl.12.30 -15.00
Question deadline	25.05.2022, kl. 12:00
Tender deadline	07.06.2022, kl.12:00
Evaluation and notification of choice of supplier	Uke 23- uke 24, 2022

The schedule is only intended as information to the Tenderer and is not binding on the Client after the tender deadline.

8. Information about the competition

8.1. Competition documents

The competition documents include the following:

QUALIFICATION AND COMPETITION BASIS

- Appendix A - Requirements specification
- Appendix B - Price and reference form
- Appendix C - Reservation form
- Appendix D - Bid letter
- Appendix E - Draft agreement

The Tenderer must check that all requested documents mentioned above have been received.

8.2. Additional information and questions

Within the Tender deadline, Returkraft has the right to make corrections, supplements or changes in the competition documents that are not of a significant nature.

Corrections, additions or changes will be sent to anyone who has registered their interest in Mercell. Information about corrections, supplements and changes is announced electronically via the Mercell portal. In the event of a revision of the competition, this will appear as a new version of the competition. Regarding additional information, this will appear in the "Additional Information" tab in the Mercell portal.

If additional information has been provided or a revision of the Competition has been made, Tenderers who have already registered their interest in Mercell will receive an e-mail about this. This will contain a link to the current competition.

8.3. Errors or ambiguities in the competition documents

The Tenderer must read carefully through the requested documents and obtain all the information required to deliver a complete tender.

If errors, omissions or discrepancies are discovered in the Invitation-to-Tender documents, or if there is any doubt about the content or meaning, the Tenderer is requested to communicate this to Returkraft via the communication module in the Mercell portal.

9. Tender requirements

9.1. The design of the Tender

The Tender shall contain the following parts:

- *Template for tender letter (Appendix D)* must be signed by the Tenderer's responsible representative. The offer letter must contain an acceptance of terms in the tender documents and contract terms in the draft agreement (Appendix E «Draft agreement»). Any reservations must appear (see point 9.4) and be stated in accordance with the provisions given on reservations and deviations in this tender documents. Furthermore, the offer letter must contain the name and contact information of the tenderer's contact person.
- The Tender must also be delivered as a censored version electronically via Mercell. Only trade secrets and confidential / sensitive information should be censored. This includes unit prices, self-developed methods, tools, systems, etc. as well as CVs and reference certificates with confidential / sensitive content. If the Tender content is largely censored, the Client will have to make an independent assessment of what is confidential information upon disclosure requirements.
- The Tenderer's response to Returkraft's requirements specifications in the Competition Basis, including all appendices.
- Completed *Price and reference form (Appendix B)*.
- Any other information that is requested in connection with documentation on the award criteria for the Tender.

9.2. Submission of tenders

Use of Mercell as a tool for delivering tenders will be free of charge for the Tenderer.

All tenders must be submitted electronically via the Mercell portal (www.mercell.no) within the tender deadline. Late tenders will be rejected (the system also does not allow submissions electronically via Mercell after the tender deadline).

If you have questions related to the functionality in Mercell, for example, how to submit a tender, contact Mercell Support on telephone: +47 21 01 88 60 or by e-mail to: support@mercell.com. Keep in mind that uploading documents may take time, and that the Mercell portal will be closed for receipt on the specified date and time. It is therefore recommended that the tender is uploaded and delivered to Mercell well in advance of the deadline.

Should there be additional information from Returkraft that leads the Tenderer wanting to change his tender before the tender deadline expires, you can go in and open the tender, make any changes and resubmit until the tender deadline expires. The last submitted tender is considered the final tender.

During the submission process, you may be asked for an electronic signature to confirm that the company in question has submitted the tender. Electronic signatures can be obtained via www.commfides.com, www.buypass.no or www.bankid.no.

Please note that it may take a few days to receive an electronic signature, so this process should be started as soon as possible.

9.3. Tender submission deadline

The Tender submission deadline is **07.06.2022, at 12:00 p.m.** Tenders are here defined as offers that have been received and registered in Mercell within the tender deadline.

9.4. Requirements, reservations and / or deviations

The Tenderer must state in his Tender letter its possible preconditions and reservations on which the performance of the Delivery is based. It must also be stated what consequences this may have for the delivery.

The assumption to which the reservation or deviation relates must be stated *in Appendix C - «Reservation form»* with clear reference to which part of the Tender this applies to. Assumptions, reservations and / or deviations may be priced in the evaluation of the Tender or result in the Tender being rejected.

9.5. Tender opening

Tenders are received and opened in Mercell. There will be no public tender opening.

9.6. Tender rejection

Returkraft reserves the right to reject any tender that is not in compliance with this instruction.

Tenderer is therefore strongly recommended to comply with the instructions given in the Qualification and Competition Basis including appendices, and to ask questions via the Mercell portal in case of ambiguities.

9.7. Costs related to the tender

The costs of preparing and submitting the tender, including the tender's cost associated with subsequent clarifications and negotiations, are covered by the tenderer.

9.8. Validity of the Tender

The tenderer must hold the Tender valid, including prices, for three (3) months after the Tender deadline. Any extension of the validity period can only take place with the supplier's consent.

9.9. Language

The Tender, the technical part, as well as technical brochures must be written in Norwegian, Swedish, Danish or English.

Personnel who are part of the Assignment must master Norwegian, Swedish, Danish or English.

The contract is to be written in English.

10. Tender competition rules

10.1. The procurement procedure

The procurement is an **open tender competition** and is carried out in accordance with the Public Procurement Act of 17 June 2016 no. 73 and regulations on public procurement FOR 2016-08-12-974 **part I and part III**.

It is emphasized that no negotiations will be held, but corrections / clarifications will be carried out if necessary.

10.2. Publicity and duty of confidentiality

For the public's access to documents related to a public procurement, the Public Administration Act applies, cf. §7-3 in the Regulations on public procurement (including FOA).

Returkraft and their employees are obliged to prevent others from gaining access or knowledge of information about technical facilities and procedures or operating and business matters that it will be of competitive importance to keep secret, cf. FOA §7-4, cf. the Public Administration Act §13.

10.3. Cancellation of the competition

If the need for resources described in this Invitation-to -Tender lapses before the Contract Award, or the offers in the competition are significantly above the Client budget, or the premises for the competition change significantly, Returkraft reserves the right to cancel the competition.