

**PRE-QUALIFICATION
FOR
TENDER COMPETITION
WITH NEGOTIATIONS**

(LIMITED TENDERING PROCEDURE)

**Project: 1107304/-05 Ocean Space Centre
Contract: K663-02 Wave Absorption Systems/Units (SMB)**

Table of content

1	General information	3
1.1	Invitation and guidance	3
1.2	Announcement	3
1.3	Additional information/correction to the pre-qualification documents	3
2	General rules for the pre-qualification	3
2.1	Public Procurement Act	3
2.2	Publicity	4
2.3	Use of advisors to prepare specifications	4
2.4	National reasons for disqualification of tenders	4
2.5	Cancellation of the competition	5
2.6	Deadline for requesting a temporary injunction	5
3	Information on the project and the contract	5
3.1	General	5
3.2	Scope of work for this contract	5
3.3	Confidential information	6
3.4	Time Schedule	6
4	Statsbygg's evaluation of the applications for pre-qualification	6
4.1	Pre-qualification	6
4.2	Qualification criteria in this competition	6
4.3	Cooperating partners	8
4.4	Certificate regarding taxes and VAT	8
5	Requirements to the pre-qualification documents	8
5.1	Electronic tendering	8
5.2	Language	9
5.3	Pre-qualification content	9
5.4	Place of delivery and deadline	9
5.5	Mercell portal	9
6	Signature of the purchaser	10
7	Appendices	10

1 General information

1.1 Invitation and guidance

Statsbygg is the Norwegian government's building commissioner, property manager and developer. Statsbygg also advise the Norwegian government in construction and property affairs: <https://www.statsbygg.no/about-statsbygg>. Statsbygg invites you to seek pre-qualification for the following:

- Project no. and name: 117304/05 Ocean Space Centre
- Contract no. and name: K663-02 Wave Absorption Systems/Units (SMB)

The pre-qualification documents are:

- Electronic self-evaluation form for the competition with qualification criteria, disqualification criteria and selection criteria.
- Invitation To Tender with appendices
- NDA

The qualification documents are available for down-load at the Mercell portal.

Suppliers who consider applying for pre-qualification should register their interest at www.mercell.com to be sure to receive additional information and any changes published by Statsbygg.

1.2 Announcement

The procurement is announced in the Norwegian national notification database for public procurement (Doffin), and in the online version of the 'Supplement to the Official Journal' of the EU (TED).

1.3 Additional information/correction to the pre-qualification documents

If the participant in the pre-qualification finds the qualification documents insufficient or unsatisfactory, the participant may send questions to Statsbygg through Mercell as the only possible channel for communication. The participant is requested to send the questions well in advance of the due date for submitting the pre-qualification application.

Statsbygg will submit all received questions anonymized with corresponding answers through Mercell, available for all interested and registered suppliers to this competition.

2 General rules for the pre-qualification

2.1 Public Procurement Act

Norwegian legislation on public procurement is, to a large extent, based on and implements European Union (EU) directives in accordance with Norway's obligations under the European Economic Area (EEA) Agreement. The procurement is regulated by Norwegian law dated June 17th, 2016, no. 73 and regulations dated August 12th, 2016, no 974 (FOA). This competition will be carried out in accordance with the above-mentioned regulations and the rules set out in this pre-qualification document and the following invitation to tender documents.

This tendering process is conducted to the procedure for "competition with negotiations" according to FOA DEL 3 § 13-2, b and c, and FOA §18- 1, 1, c.

Statsbygg reserves the right to reduce the number of tenderers prior to the negotiations according to FOA § 23-11.

Statsbygg also reserves the right NOT to carry out negotiation.

2.2 Publicity

The tender opening is not public. The evaluation protocol including information about the participants in the competition will be made available for the tenderers when the negotiations and evaluation is completed, and contract is announced.

2.3 Use of advisors to prepare specifications

Statsbygg shall not seek or receive advice that may be used during the preparation of specifications for this procurement from someone who may have financial interests in the procurement when this happens in a way that could exclude competition. A tenderer who has been used as an adviser during the preparation of specifications in a way that could exclude competition as mentioned above will be rejected.

2.4 National reasons for disqualification of tenders

Cf. 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." The Norwegian procurement regulations has stricter regulations than the EU regulations. In addition to the EU regulations, the following are purely national grounds for rejection, according to FOA § 24-2:

1. FOA § 24-2 (2) - This provision states that the client shall reject a supplier when he is aware that the supplier has been legally convicted or has accepted a penalty notice for the criminal offenses specified in the provision. The requirement that the client must reject suppliers who have adopted fines for the specified criminal offenses is a special Norwegian requirement.
 - 1.1.1.
2. FOA § 24-2 (3) letter i - The reason for rejection in the standard form for ESPD only applies to serious errors in professional practice, while the Norwegian reason for rejection also includes other serious errors that may lead to doubts about the supplier's professional integrity.

2.5 Cancellation of the competition

Statsbygg reserves the right to cancel the competition based on an objective reason, for example in case of loss of planned funding or lack of approval by the ministry, according to FOA§ 10-4. Statsbygg may also decide to discard all Suppliers if the result of the competition gives objective reasons for doing so according to FOA chapter 24.

Rejected and discarded tenders will not be returned.

2.6 Deadline for requesting a temporary injunction

The deadline for presenting a petition for a temporary injunction against Statsbygg's decision to reject a request to participate in the competition or not to select a supplier is 15 days from the day after Statsbygg has sent notification of the decision to the supplier.

3 Information on the project and the contract

3.1 General

The Ocean Space Centre (OSC) will be located at Tyholt in Trondheim, Norway, and will house research and higher educational institutions operating under one roof, seamlessly integrating fundamental and applied research areas within the Marine Engineering and Life Science fields. When completed, the OSC will consist of a unique range of laboratories with simple and robust student labs, highly advanced laboratories for fundamental research, some of the world's largest hydrodynamic laboratories for large-scale and industrial research, and finally full-scale field laboratories in the fjord and ocean areas outside Trondheim. All of this combined with advanced computational and numerical facilities. The new laboratories will replace the existing facilities that are currently located at Tyholt in Trondheim.

Statsbygg is responsible for implementation of the Ocean Space Centre project, which will be executed in close cooperation with End-user, SINTEF and NTNU. For more general information on the project and key stakeholders, please visit the following websites:

- Statsbygg: <https://www.statsbygg.no/about-statsbygg>
- SINTEF Ocean: <https://www.sintef.no/en/ocean/>
- NTNU, department of marine technology: <https://www.ntnu.edu/imt>
- Ocean Space Centre: <https://oceanspacecentre.no/>

3.2 Scope of work for this contract

The scope of work for this contract is described in the "Scope of Work" document in Appendix 1 to this document and includes design, manufacturing, delivery, installation, and commissioning of new wave generation units to the Ocean Basin – OB - at the new hydrodynamic laboratories – Ocean Space Center - at Tyholt, Trondheim.

The new wave generation units shall be delivered complete with motor drives, local control system and interfaces to the centralised control system of the hydrodynamic laboratories.

3.3 Confidential information

The tender documents are confidential and contain trade secrets. The tenderers will therefore be requested to sign a non-disclosure agreement (NDA) prior to receiving the tender documents. If the tenderer refuses to sign the NDA, the tenderer will be disqualified from the competition.

3.4 Time Schedule

The tentative plan for this specific contract is as follows. All dates indicated may be changed by Statsbygg during the procurement process.

	Planned contract process
Announcement of the pre-qualification	15.09.2022
Due date for submitting application for pre-qualification	20.10.2022 12:00 CET
Submission of Invitation to Tender to pre-qualified tenderers	24.10.2022
Tender due date	02.12.2022 12:00 CET
Planned date for contract award	10.01.2023

4 Statsbygg's evaluation of the applications for pre-qualification

4.1 Pre-qualification

Statsbygg intends to pre-qualify 3-5 best qualified suppliers for this contract in compliance with FOA § 16-12. The tenders will be evaluated in relation to the pre-qualification criteria listed below. The evaluation will be based only on the received documentation. It is therefore important that the offers contain all requested documentation. Suppliers who do not submit all requested documentation may be rejected.²⁰

The supplier must fill in an electronic self-declaration form for the competition (ESPD) in the Merccell portal. In the self-declaration, the suppliers must also confirm that there are no specific stated reasons for rejection. The supplier or suppliers who are nominated for the contract must, before entering a contract, document fulfillment of all qualification requirements.

4.2 Qualification criteria in this competition

The following qualification requirements will be considered when assessing the providers.

Qualification criterion	Qualification requirements	Documentation
Organizational and legal position	It is required that the participant has a legally established company.	Company certificate, for foreign companies a corresponding certificate is required determined by

		<p>the law of the country where the company is registered, alternatively StartBANK ID</p>
Economic and financial capacity	<p>It is required that the provider has satisfactory financial capacity. The size of the turnover, in relation to the value of the contract, can be emphasized.</p>	<p>Statsbygg will carry out a credit assessment of the participant.</p> <p>The participant shall submit the latest auditor-confirmed annual accounts, or alternatively StartBANK ID and a financial rating from well-established rating company, not older than 3 months</p>
Technical and professional qualifications	<p>It is required that the provider has sufficient capacity, competence to deliver the scope of work and sufficient experience from deliveries with transfer value.</p>	<p>A description of provider's</p> <ul style="list-style-type: none"> • Organization chart • Engineering competence and capacity (number and types of engineers) • Manufacturing facilities, including locations • Manufacturing capacity <p>A description of minimum 3 relevant references with transfer value to this project. The information shall contain:</p> <ul style="list-style-type: none"> • Client, and project name • Short description of the scope of work • Type of contract and contract value (ex. VAT) • Tenderer's tasks/role in the project, and scope of supply • Client contact person with contact information (name, e-mail, and telephone number) • Start-up and completion time (year). If not completed – current project status <p>The references shall be no more than 5 years old.</p>
Quality control system	<p>The supplier must document a quality control system</p>	<p>Relevant certificates documenting the Quality control system (e.g., ISO 9001 or similar). If the supplier does not have a certification, a description of the quality system in the company must be submitted.</p>

Environmental management system	The supplier must document an environmental management system	Relevant certificates documenting the Environmental management system (e.g., ISO 14001 or similar). If the supplier does not have a certification, a description of the environmental management system in the company must be submitted
---------------------------------	---	--

Suppliers registered in StartBANK can provide StartBANK ID or submit a copy of registration certificate in StartBANK instead of submitting parts of the documentation (see which documentation in the table above).

4.3 Cooperating partners

If a supplier relies on the capacity of other companies to meet the pre-qualification requirements wrt.

- Economic and financial capacity and/or
- Technical and professional qualifications

both companies are jointly and severally liable for the performance of the contract I regards of the Norwegian procurement act §16-10.

The supplier must submit

1. Signed agreement between the parties, stating the joint liability for the contract
2. Documentation for cooperating partner's capacity to meet the pre-qualification requirements on the above-mentioned criteria.
3. ESPD documentation for the cooperating partner

4.4 Certificate regarding taxes and VAT

Norwegian registered suppliers shall submit a certificate confirming fulfilment of the supplier's obligations regarding payment of taxes, social securities, and VAT ("skatteattest"), no more than 6 months old. This certificate can be ordered through Altinn.

5 Requirements to the pre-qualification documents

5.1 Electronic tendering

The application for pre-qualification must be delivered in its entirety electronically via the Merzell portal; www.merzell.com. **Applications submitted in another way will be rejected.**

Infected and encrypted files be rejected in the Merzell portal / Statsbygg's computer system, and the offer evaluated as if such files had not been delivered.

5.2 Language

The completed pre-qualification documents shall be in English. The contract language will also be English.

5.3 Pre-qualification content

The application for pre-qualification shall be delivered in the following format:

1. Pre-qualification letter signed by authorised person on behalf of the supplier
2. Company Certificate
3. Latest approved auditor-confirmed annual accounts and financial rating from well-established rating company, not older than 3 months
4. Description of provider's organization, competence, manufacturing facilities, and manufacturing capacity
5. Three relevant references, not more than 5 years old
6. Certificates or description of the Quality Control system
7. Certificates or description of the Environmental Management system
8. In addition to the above-mentioned documentation, the ESPD form shall be completed at the Mercell portal.
9. Norwegian registered suppliers shall submit a certificate confirming fulfilment of the supplier's obligations regarding payment of taxes, social securities, and VAT ("skatteattest"), not more than 6 months old.

Any pre-qualification not containing all requested information and documentation or is not fulfilling the pre-qualification requirements given by Statsbygg, may be rejected.

5.4 Place of delivery and deadline

The application must be delivered via the Mercell portal; www.mercell.com.

The latest time for submitting the application for pre-qualification is October 20th at 12:00 CET

Applications delivered later will be rejected.

(Please observe that the system is closed for electronic delivery of documents via the Mercell portal when pre-qualification deadline has expired).

5.5 Mercell portal

To be able to deliver offers via the Mercell portal, you must have a user and log in with this.

It is recommended that the offer is delivered in good time, at least 1 hour, before the deadline. Delivered offers can be changed right up to the expiry of the offer deadline. The last bid submitted is considered the final bid.

