

**INVITATION
TO
TENDER**

**LIMITED TENDERING PROCEDURE
WITH NEGOTIATIONS**

**Project: 1107304/-05 Ocean Space Centre
Contract: K663-02 Wave absorption system/units (SMB)**

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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 participate in a tender competition for the following:

- Project no. and name: 117304/05 Ocean Space Centre
- Contract no. and name: K663-02 Wave absorption system*/units (SMB)

This Invitation to Tender consists of the following documents.

Documents marked with an asterisk (*) contains confidential and/or sensitive information and will only be submitted to the pre-qualified tenderers, after the pre-qualification process has been completed and the pre-qualified tenderers have signed the enclosed Non-Disclosure Agreement.

General part:

Part	Document name	Doc. no.
A0	Invitation to pre-qualification	
A1	Invitation to tender	
A2	Quotation form	
A3	Utkast til avtaledokument (Agreement draft)	
A4	Statsbygg Contract Terms, Amendment to Orgalime S114.	
A5	Non-disclosure agreement (NDA)	
A6	Administration Procedures	OSC-80-SB-Q-SD-00001

Descriptive part:

Part	Document name	Doc. no.
B1	Scope of Work description, wave absorption systems SMB	OSC-30-H004-M-SP-00045
B2 *	Requirements for wave absorption systems SMB	OSC-30-H004-M-SP-00046
B3 *	Requirements for Automation Control – and Safety Systems – User equipment	OSC-30-H004-S-SP-00001
B4	Technical Design basis	OSC-80-SB-O-DB-00001
B5	Requirements for supplier documentation including DFO	OSC-80-SB -O-SD-00001

B6	Tagging requirements	OSC-80-SB-O-SD-00003
B7	TFM-Amendment TFM-tagging of User Equipment	OSC-80-SB-O-SD-00002
B8	K662-02 Equipment list from dRofus OB	OSC-30-H004-M-LI-00007
B9	Strategy for Systematic Completion of BUT	OSC-80-SB-O-SD-00008
B10	Quality Plan	OSC-80-SB-Q-SD-00004
B11	Interface description	OSC-30-SB-O-SD-00008
B12	Interface matrix	OSC-30-SB-O-SD-00004
B13	Material selection report	OSC-30-H004-Z-RA-00004
B14	Requirements for corrosion protective coatings	OSC-30-H004-Z-RA-00002

C	Progress plans	
C1	Project overall progress plan	OSC-30-SB-O-PL-00001
C2	K663-02 Timeline	OSC-30-SB-O-PL-00011

D	Drawings	
D1 *	System diagram, wave absorption systems SMB	B-01-M-663-60-002
D2 *	System diagram Automation control and safety system SMB	B-01-S-56-60-002

E	Models	
E1 *	Model Wave Absorption SMB	
E2 *	Model RIB Section B	SB-1107304-B4-RIB-B-001

Supplementing documents:

Part	Document name	Doc. no.
F1	Statsbygg OSC HSWE Plan	OSC-30-SB-Y-MA-00005
F2	Special requirements for HSWE and seriousness	OSC-30-SB-Y-SP-00003
F3	Self-reporting by supplier	OSC-30-SB-Y-MA-00004
F4	BIM requirements for special equipment	OSC-80-SB-Å-SD-00002
F5	SIMBA 2.0 General requirements (spreadsheet)	OSC-80-SB-Å-SD-00003
F6	Digitalization Action Plan	OSC-SB-O-SD-00012
F7	General Attributes and properties in BIM models	OSC-80-SB-Å-SD-00001

The published tender documents are available for down-load in the Merccell portal. **Tenderers who consider submitting a bid should register their interest at www.merccell.com to be sure to get all additional information, corrections and changes that Statsbygg publishes.**

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 Special conditions

1.3.1 Statement on amounts

On the basis of the available drawings and descriptions, the quantities are measured in accordance with the measurement rules in Norwegian Standards where such exist, and in accordance with normal practice for the respective works, unless otherwise stated. If the tenderer corrects the quantities in the technical description, this must be stated separately in the tender letter.

1.3.2 Local conditions

In preparing its tender, the tenderer shall consider factors of importance to the service that may be obtained by visiting the place of delivery, its immediate areas and by contacting the relevant authorities. This applies, for example, to transport options to the place of delivery, access to electricity, water, telephone, etc.

1.3.3 The tendered prices

In each individual item in the tender, what is specified must be included, as well as the services, materials and costs of any kind that are necessary to carry out the delivery in a responsible manner, in accordance with the handed out documents, collective agreements, laws, regulations or other

information provided by the client or which has emerged on the tender inspection (including VAT and all surcharges, such as social expenses, administration, travel, diet and profits, etc.).

The prices are subject to regulation, in accordance with the Quotation form.

1.3.4 Joint Collaboration Phase (JCP)

Contractor shall participate in a joint collaboration phase together with the EPC contractor for construction of building B (EPC K203) of the Ocean Space Centre Project. The JCP will be headed by Company. The End User will also be involved in the JCP.

The main purpose of the joint collaboration phase is to implement all requirements of the user equipment for the wet laboratories into the design and construction of building B. The purpose is also to investigate and resolve performance issues related to interaction between other equipment systems and to clarify interfaces to End User control systems. JCP will also include final review of the project's overall logistics plan and delivery schedule. Contractor shall also expect adjustments including value engineering of user equipment design and functionality as a result of the collaboration. Such adjustments shall be listed and be the basis for determination of fixed final Contract price. During the collaboration phase, all interfaces between each user equipment supplier and EPC K203 shall be identified and agreed. Interface agreements shall be established. Participation in the JCP will be on a reimbursable basis. As a guidance, Contractor shall anticipate the following:

- JCP duration in total: 50 weeks. Expected to be started in february/march 2023
- Contractor participation period in the JCP: 36 weeks
- Expected Contractor manpower load: Two persons, three days a week
- Main collaboration tool: Teams-meetings, and occasionally physical meeting in Trondheim or
- Oslo. Exchange of design documentation.

1.3.5 Intellectual Property Rights

When the JCP is finalized, an agreement defining the ownership to the result will be established between the parties. The principle is that each party owns the rights to the IP brought into the cooperation. IP to results developed in the JCP and the engineering phase will be kept confidential and shared between the parties. Statsbygg will transfer its IP rights to SINTEF AS.

1.3.6 Specification text

The performance requirements described in the tender documents are part of the supplier's obligation even if they are not repeated in price-bearing items.

1.3.7 Non-priced items and obvious errors

Items that are not priced in the tender will be considered included in other items, unless otherwise stated in the tender letter.

Obvious errors in the tender that Statsbygg becomes aware of will be corrected if there is no doubt how the error is to be corrected.

1.3.8 Unit price statements

If the obligation to state unit prices is breached, the tender may be rejected or demanded specified within the framework of the total sum.

1.3.9 Product description

If the tender documents state "product name or equivalent", similar products can be tendered. The tenderer must document that the quality and functional requirements have been met.

Unless the tenderer has expressly reserved the right to deliver a product that deviates from the specification, the tenderer is obliged, if he receives the contract and regardless of the quality and characteristics of the tendered product, to deliver a product, within the scope of the tender price, equal to the product specified in the specification.

1.4 Contractual provisions

The contractual provisions are governed by the enclosed contract terms, based on the Orgalime SI14 general conditions (<https://orgalim.eu/general-conditions>), with Statsbygg's amendments.

Also note that invoices and credit notes must be sent electronically to Statsbygg's invoice reception in accordance with the standard Electronic Commerce Format (EHF), laid down by the Ministry of Reform, Administration and Church Affairs. Invoices and credit notes shall be communicated via access points in the messaging infrastructure managed by DIGDIR (www.digdir.no).

1.5 Information meeting

Electronic information meeting may be arranged for this competition.

1.6 Additional information / Corrections of the tender documents

If the tenderer finds that the tender documents do not provide sufficient guidance or contain conditions that the tenderer cannot accept, he can via the Merzell portal, and only here, ask questions and request additional information. The tenderer is encouraged to contact Statsbygg well in advance of the tender deadline, so that Statsbygg can assess whether the tender documents should be changed, specified or expanded.

The anonymized questions and Statsbygg's answers and corrections of the tender documents are only available in the Merzell portal, and those who have registered their interest in the competition, cf. section 1.1 above, will be notified by email from the Merzell portal.

2 Information on the project and the contract

2.1 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/>

2.2 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.

2.3 Time Schedule

Below, the tentative time schedule for the contract. A final time schedule will be prepared as part of the Joint Collaboration Phase.

Phase	Date
Tender due date	02.12.22
Contract signed	Q1 2023
Joint Collaboration Phase Completed	Q4 2023
Production Schedule delivered	Q1 2024

Equipment delivered to Site	Q4 2025
Handover to Sintef/NTNU	Q2 2027

After the signing of the contract the parties will agree on a detailed time schedule, that will be binding and covered by liquidated damages as described in the conditions of contract

2.4 Environment

Statsbygg has environmental requirements and environmental goals for all projects, ref Statsbygg's environmental strategy. This means that environmental requirements and environmental goals have been set for the project. See more about this in the tender documents.

2.5 Tax and value added tax (VAT)

As outlined in 1.3.3, the tendered prices shall include all accrued costs including tax and duties. Import VAT shall be included in the invoices to Statsbygg, on a separate line item.

Foreign enterprises that carry out assignments in Norway must comply with the Norwegian VAT rules in the same way as Norwegian enterprises. This means that if you carry out an assignment where the turnover in Norway exceeds NOK 50,000 over a 12-month period, you must register the enterprise in the VAT Register. More information on the subject and how to register can be found here:

www.altinn.no/en/start-and-run-business/direct-and-indirect-taxes/indirect-taxes/vat-specific-information-for-foreign-companies/

www.skatteetaten.no/en/business-and-organisation/vat-and-duties/vat/register/

Where all or part of the work related to the assigned contract is carried out over periods of time exceeding the boundaries of the permanent establishment in Norway's bilateral or multilateral tax agreements, questions may arise regarding tax liability to Norway.

In general, foreign enterprises that conduct business activities in Norway have a duty to register in the Register of Business Enterprises. In the case where you are going to take individual assignments in Norway or want the responsibility for the business in Norway to be directly subordinate to the company in the home country, it may be relevant to register a Norwegian registered foreign enterprise, "NUF" in Norway. More information on Norwegian registered foreign enterprise (NUF) can be found here:

- www.altinn.no/en/start-and-run-business/direct-and-indirect-taxes/the-enterprises-tax/tax-for-branches-of-foreign-companies-nuf/

Any additional costs because of tax liability to Norway shall be included in the price (see 1.3.3). We strongly recommend that tenderers carefully consider tax matters of significance to the contract work / delivery of the contract work with the Norwegian tax authorities, tax authorities in the tenderer's home country, any chamber of commerce in Norway and/or tax lawyers before the tender is priced.

2.5.1 Foreigners performing work in Norway

Statsbygg must inform the Norwegian Tax Administration about all assignments and sub-assignments given to a company that's domiciled abroad, or to a person who is resident abroad, when the value of the assignment exceeds NOK 20,000. The supplier must provide information about all employees who work on assignments in Norway.

More information on the subject can be found here:

- www.skatteetaten.no/en/forms/rf-1199-information-about-contracts-contractors-and-employees/

2.6 Other information

Statsbygg will enter into an EPC Contract for construction of Building B (EPC K203). The Supplier must cooperate with Statsbygg, EPC K203 and other Suppliers of the user equipment throughout the execution of the Contract works.

3 General rules for the competition

3.1 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.

In the negotiating phase, the Tenderers will be encouraged to present improvements in the proposed solutions, in compliance with the technical requirements.

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.

3.2 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.

3.3 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.

3.4 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.
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.

3.5 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. Statsbygg may also decide to discard all Suppliers if the result of the competition gives objective reasons for doing so.

Rejected and discarded tenders will not be returned.

3.6 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.

4 Statsbygg's evaluation of the tender

4.1 Evaluation criteria in this competition

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., the best combination of price, cost and quality. The evaluation will be carried out as described in the evaluation criteria listed below and will be based on the tenderer's documents submitted. The tenderers are therefore requested to submit all requested information. Lack of requested information could lead to disqualification of the tender.

Evaluation criteria	Weight	Tender documentation
Price	40%	Prices quoted in the Quotation form.
Quality/ Technical evaluation 1. Functionality and design, in particular: Design vs base cases a. Functionality of west side closed wall b. Functionality of lowered section for trim docks (SMB south end) c. Geometric configurations vs continuous transition from movable floor at intermediate water depth d. Geometric configurations vs continuous transition from movable floor at shallow water e. Selection of materials and election of corrosion protection f. Maneuvering systems of movable beach	60%	Tenderer shall include descriptions, drawings, data sheets and other relevant information, sufficient for the evaluation of the tender and in accordance with the requirements outlined in the technical documents included in this Invitation to Tender Reference is made to OSC-30-H004-M-SP-00014 Requirements for wave absorption systems SMB

<p>2. Impact on model test quality with documented wave reflections, in particular</p> <ul style="list-style-type: none"> a. Method for estimating damping b. Wave reflections for relevant wave periods, amplitudes and directions c. Multidirectional and nonlinear effects d. Corner solution and interaction between two perpendicular beaches <p>3. Operational robustness and efficiency, in particular:</p> <ul style="list-style-type: none"> a. Control system interface and integration with OSC master controller (feedback mechanisms and remote operation) b. System for reconfiguring beach geometry c. Locking system d. Spare parts (custom or standardized off the shelf) e. Power consumption f. O&M-plan vs long life (surface repair, reinvestments of components) <p>4. Execution plan</p> <ul style="list-style-type: none"> a. Engineering b. Transport 	<p>Tenderer shall submit calculations or measurements for overall wave reflections vs wave periods, amplitude and direction based on the selected design. This includes multidirectional and non-linear effects, and the interaction between adjacent beaches. The method for estimation shall be documented. Reference is made to technical requirements.</p> <p>Tenderer shall provide descriptions, sketches and diagrams for overall operational robustness and efficiency both at real time and long term. The tenderer shall provide power consumption per flaps and overall, per beach system. Reference is made to the technical requirements.</p> <p>Tenderer shall deliver a detailed Execution Plan demonstrating his understanding of the delivery and processes within the milestones in this invitation to tender (section 2.2)</p>
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c. Logistics d. Installation e. Commissioning 5. Project organization		Tenderer shall present the proposed project organisation with names, roles, and CVs of key personnel
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Regarding evaluation of prices (40%)

The prices will be evaluated based on total offered price in the Quotation form, including all priced elements in the tender.

Regarding technical evaluation (60%)

The technical evaluation will be based on a discretionary evaluation of all criteria listed in this invitation to tender. The evaluation criteria “Functionality and design” will have the highest weight in the technical tender evaluation.

5 Deviations from the tender documents

5.1 General on reservations and deviations

Statsbygg encourages to make tenders without reservations or deviations. Instead of providing tenders with reservations and deviations, suppliers should submit questions in writing to Statsbygg during the tendering phase, cf. section 1.6 above. It is emphasized that the tenderer has the risk of ambiguities in its own tender and that ambiguities, reservations and deviations may lead to rejection. Before the tenderer submits a tender with reservations or deviations, the legal consequences of this should therefore be considered.

If reservations or deviations are made, reservations / deviations must be clearly stated in the tender letter. Reservations / deviations must be precise and unambiguous, so that Statsbygg can assess these without contact with the tenderer. Reservations / deviations that cannot be priced by Statsbygg will in all probability lead to the rejection of the tender.

It is not permitted to make reservations on basic elements in the tender documents. Tenders containing reservations of this kind will be rejected.

Reference to standardized delivery terms or the like will be considered a reservation to the extent that they deviate from the existing competition rules and contract provisions. Such reservations will in all probability lead to the tender being rejected.

Reservations regarding regulation of the contract amount, including currency reservations, may result in rejection of the tender.

Reservations concerning/ demands for advances beyond those specified for the relevant contractual provisions (1.4), will result in rejection.

5.2 Alternative tenders

It is not permitted to provide alternative tenders. Tenders for solutions other than those specified, or which are otherwise not in accordance with the tender documents, will be regarded as a tender with reservations or deviations, cf. section 5.1 above.

5.3 Tender on parts of the assignment

Tenders on parts of the scope of work will not be accepted.

6 Requirements to the tender

6.1 Electronic tendering

The tender must be delivered in its entirety electronically via the Mercell portal; www.mercell.com. The same applies to changing the tender. **Tenders submitted in another way will be rejected.**

The following file formats are accepted. The files must be virus free and not encrypted:

- Text document: PDF/A, XML, TIFF or Word
- Tables: Excel
- Pictures: JPEG or TIFF
- Maps: TIFF
- Video: MPEG 2
- Sound: MP3, PCM or PCM-based Wave

Infected and encrypted files, as well as files in a format other than those specified above, will be rejected in the Mercell portal / Statsbygg's computer system, and the tender evaluated as if such files had not been delivered.

6.2 Validity period

The tender is binding for 6 months, calculated from the tender due date.

6.3 Language

All tender documents shall be in English. The contract language will also be English.

6.4 Tender content and file structure

The tender shall be delivered with the following index

1. Tender letter
2. Quotation form, signed by authorized representative for the tenderer
3. Description of the scope of work
4. Technical documentation, ref. section 4.1 above
 - a. Functionality and design
 - b. Performance
5. Supplier's proposed execution plan
6. Supplier's project organization
7. Additional information

To simplify archiving and tracing of documentation, tenderer is requested to follow above given numbering when organizing his tender documents, as well as provide file names as shown in bold with number first, without using subfolders.

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

6.5 Place of delivery and tender deadline

The tender must be delivered via the Merccell portal; www.merccell.com.

The tender due date is December 2nd, 2022, 12.00 CET

Any tender delivered after this deadline will be rejected.

(Please observe that the system is closed for electronic delivery of the tender via the Merccell portal when tender deadline has expired).

6.6 Merccell portal

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

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

The tender requires an electronic signature upon delivery. Electronic signatures can be obtained from various suppliers, eg www.commfides.com, www.buypass.no or www.bankid.no.

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

Statsbygg recommends that you test the electronic signature with the certificate you have available as soon as possible (well in advance of the tender deadline). The test functionality is in the registration / quotation submission steps.

