

# **Tender Document 7/2009**

ICP-MS

Template for open tendering according to Part I and Part  
III of Regulations for Procurements Exceeding EEA  
Threshold Values

Forsvarets forskningsinstitutt (FFI)  
Norwegian Defence Research Establishment

*April 2nd 2009*

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# **1 GENERAL DESCRIPTION**

## **1.1 The customer**

Forsvarets forskningsinstitutt (the Norwegian Defence Research Establishment, hereafter named FFI) is a civilian institution of research directly answerable to the Norwegian Ministry of Defence. The establishment has 666 employees, of whom 454 are research scientists and engineers who are engaged in the development of technology and expertise to enable Norway to maintain a modern and effective national defence. FFI is a multidisciplinary enterprise covering such fields as mathematics, physics, information technology, chemistry, biology, medicine, psychology, political science and economics. It is located at Kjeller near Lillestrøm, and also has a smaller division at Horten. For more information, please see our internet web pages [www.ffi.no](http://www.ffi.no).

All procurement tenders and communications concerning them should go through Merzell Sourcing Service's Purchasing Tool. This is to ensure equal treatment of all suppliers and that the process is recorded properly. Please contact Ragnar Synstad or Rune Johansen at Merzell Support at the following telephone numbers with questions or if assistance is needed.

Merzell support +47 21 01 88 60, contact person Ragnar Synstad or Rune Johansen  
After 1700: Une Moslet at +47 97 58 92 62.

## **1.2 Objective of the procurement**

FFI seeks tenders for an Inductively Coupled Plasma Mass Spectrometer (ICP-MS) for elemental analysis. The ICP-MS will be used to analyze elements in a range of different matrices, such as soil, water, biological materials, alloys, carbon fibres as well as sea water. Primary elements to be analyzed are Pb, Cu, Sb, As, Hg, Ag, Ni, Fe, Mn, Cd, Cr, and W. Secondary elements are Ca, Na, Al, Mg, Sn, U, Th, Ba, Bi, Sr and Zn. The numbers of samples are annually in the range of 1000-5000, with up to 300 samples per week.

More information about the aim and size of the procurement may be found in Annex no. 1 on Technical specifications.

## **1.3 Size of procurement and value of contract**

FFI seeks tenders for the following:

The instrument must be equipped with a mass selective detector based on quadrupole mass analyzer technology and collision cell and/or reaction cell technology for reducing interferences. In addition, the instrument shall be equipped with an autosampler and an integrated water cooling system, which do not rely on an external water source, such as tap water. Two different autosampler systems must be included in the offer, one standard autosampler with approximately 100 vials and one autosampler with advanced technology for reducing instrument operating time and thereby argon consumption. The offer must include a suggestion on a system for handling samples with high matrix load (e.g. seawater, water samples with high TOC load), if not standard. The instrument, including vacuum pump, should be prepared for handling samples containing hydrofluoric acid or other aggressive reagents. Extra platinum cones in addition to standard nickel cones shall be included in the offer. The offer shall also include two extra nebulizers in addition to the one following the instrument. The instrument must also be equipped with a computer where

proper software for controlling the instrument, running methods, quantification and data analysis is installed. Software licenses for both on-line and off-line as well as network communication must be included. Other technical specifications are given in Annex B.

The complete technical requirements of the procurement are specified in a separate enclosure.

The estimated value of this procurement lies over the threshold for EEA announcements; hence the decision to follow the regulations in Part III of the "Regulations on Public Procurement".

## **1.4 Composition of the tender document**

The tender document consists of this template and its associated attachments:

1. Technical requirements (Annex A)
2. Technical requirements, matrices to fill in (Annex B)
3. General Purchase Conditions, Form 5052 (March 2008) (Annex C)

## **1.5 Announcement of contract notices/invitation for tenders**

Contract notices/invitations to submit tenders will be publicly announced in the Norwegian national tender notification service DOFFIN [www.doffin.no](http://www.doffin.no) and TED (Tenders Electronic Daily).

In addition, certain suppliers will be specifically contacted concerning the announcement.

## **1.6 Site visits/vendor orientation conferences**

There will be no visits to the site or vendor orientation conferences.

## **1.7 Other information**

In the event a supplier feels that the guidelines in the tender document are unclear, or that there are errors in the document, the supplier may submit a written request for more information to the customer through Merccell Sourcing Service's Procurement Tool (Norwegian, "*Mercell Konkurransgjennomføringsverktøy*", or KGV).

## **1.8 Corrections, supplementary information, or changes to the tender document**

The customer reserves the right to make corrections, provide supplementary information or make changes to the tender document as long as these adjustments are not of a substantial nature.

Revisions, corrections, supplementary information, or changes to the tender document will be sent to all recipients of the original document immediately. Announcements concerning revisions, corrections, supplementary information or changes to the tender document will be made electronically on DOFFIN or through the Merccell Procurement Tool (KGV).

## **1.9 Progress schedule**

The customer has established the following timescale for the process:

Task	Target dates
Announcement of invitation to submit tenders in DOFFIN	6 April 2009
Deadline for submission of tenders	18 May 2009 by 1200 p.m.

Opening of tenders	18 May 2009
Possible meetings for purposes of clarification	Weeks 21 and 22, 2009
Evaluation of submitted tenders	Week 23, 2009
Awarding of contract and notification to other tenderers	Early June 2009
Disputes – deadline for submission of tenderer complaints	Mid June 2009
Signing of contract	Late June 2009

Please note that the target dates following the opening of tenders are intended as a guideline only and may be subject to change.

## 2 RULES FOR THE SUBMISSION OF TENDERS

### 2.1 Procurement procedure

Procurements are to be made according to the Law of Public Procurement of 16 July 1999 (Norwegian, "*Lov om offentlige anskaffelser av 16. juli 1999*" or LOA), and the Regulations Governing Public Procurements of 7 April 2006, no. 4022 (Norwegian, "*Forskrift om offentlige anskaffelser (FOA) av 7. april 2006 nr. 4022*"). The procurement process will be conducted through the system of open tendering in accordance with Part I and Part III of the Regulations (over the EEA threshold value)).

The system of open tendering offers all interested bidders the opportunity to submit tenders in free and open competition. There is no pre-qualification of vendors, and tenderers should submit supporting documentation proving their qualifications with the submission of their bids.

Negotiations are not permitted. Once submitted, tenders may not be altered, nor may any adjustments be made to the terms stated therein by means of negotiation on price, delivery time or other conditions affecting the competition. Tenderers should therefore give their best offer within the specified closing date of the competition.

The customer is obliged to send the contract document to all who request it.

The type of procurement is "Purchase of goods"

Norwegian Ministry of Defence regulations on procurement will be adhered to where the Law of Public Procurement (LOA) or the Regulations Governing Public Procurement (FOA) do not apply.

The competitive tendering process will be administered through use of Merzell Sourcing Service's Purchasing Tool (KGV). All inquiries concerning the invitation to tender should be made through the Merzell communication module so that they may be documented and registered. Verbal responses and descriptions will not be considered unless they are formally documented in writing.

Please contact Ragnar Synstad or Rune Johansen at Merzell support +47 21 01 88 60 with questions. If assistance is needed after 1700, please contact: Une Moslet at +47 97 58 92 62.

The customer may refuse vendors who do not adhere to the terms of the tender document.

## 2.2 Formulation and submission of the tender document

Tenders should address all of the areas specified below. In order to facilitate a proper and thorough evaluation of bids, it is essential that tenderers adhere to the bid outline as shown.

The following files should be attached to all bids:

File name:	Contents/description:
Doc1 – Letter of tender	Formal written letter accepting terms of the purchaser's tender document and providing a short description of the vendor/supplier.
Doc2 – Qualification requirements	Required documentation according to the qualification requirements stated in the tender document. All documentation, certification and references should be included in the same file. <ul style="list-style-type: none"><li>- Company registration number</li><li>- Income tax certificate and tax reference number for taxes issued by the municipal treasury</li><li>- Tax certificate and value added tax number (VAT no.) issued by the tax and revenue department</li><li>- Credit assessment/rating</li></ul>
Doc3 – Fulfilment of specification requirements	<ul style="list-style-type: none"><li>- Description of how the offered goods/service fulfils each point of customer's specifications and requirements.</li></ul>
Doc4 – Price	<ul style="list-style-type: none"><li>- Price</li></ul>
Doc5 – Delivery	<ul style="list-style-type: none"><li>- Terms of delivery</li><li>- Description of terms of warranty and the extent of supplier's responsibility with respect to maintenance.</li><li>- Payment terms</li></ul>
Doc6 – List of references	<ul style="list-style-type: none"><li>- List of references in the Scandinavian countries.</li></ul>
Doc7 – Environmental information	<ul style="list-style-type: none"><li>- Description of the company's systems to preserve/minimise impact to the environment, e.g. company's environmental profile, transport, packaging and so on.</li></ul>
Doc8 – Quality assurance	<ul style="list-style-type: none"><li>- Documented routines for quality assurance/quality control.</li></ul>

Bids should be submitted through the Merzell Purchasing Tool (KGV). Attachments should be numbered in the order in which they appear in the tender document.

Bidders should address all questions, requirements and clarification points requested in the tender document.

If certain documents in support of the tender contain conflicting provisions, the documents take precedence in the following order:

- Tender document and
- Thereafter, in the order as specified above, from Enclosure no. 1 to No. 8.

FFI will not reimburse bidders for expenses incurred in connection with the preparation, submission, or following up of a tender, nor for product demonstrations or showings etc.

Submitted tenders and their accompanying documentation and materials are considered FFI property and will not be returned.

## **2.3 Confidential information**

According to § 23 in the Law Relating to Public Access to Documents in the Public Administration (Norwegian Freedom of Information Act or in Norwegian, "*Offentleglova*"), information contained in public procurement tenders may be held in confidentiality until the contract has been awarded. After that, barring other extenuating circumstances such as business confidentiality or issues of national security, the information contained in the tenders may be made public. If the tender or parts of it should remain confidential, also after the contract has been awarded, this should be clearly stated in the tender at the time it is submitted.

## **2.4 Use of FFI name for marketing purposes**

Vendors must obtain permission from FFI in order to use the business relationship between FFI and the vendor following the award of a contract for advertising/marketing purposes. This restriction applies to any form of advertising, both internal and external, whether in word, speech or image.

## **2.5 Deadline for submission**

The deadline for submission of tenders is set for Monday 18 May 2009 by noon (1200 p.m.). Late tenders will be rejected.

## **2.6 Exceptions and deviations**

If a tenderer wishes to make certain exceptions and stipulations to certain parts of the tender document, this should be clearly stated in the tender. These provisos should be clearly specified in the bid, and their implication for performance, price or other relevant factors should be clearly stated.

The same terms apply to deviations. Exceptions and deviations should be formulated precisely and clearly so that the purchaser can assess them without having to contact the supplier. Exceptions and deviations should refer to the relevant point in the tender document and should be specified and discussed in a separate enclosure (see point 2.2.). Exceptions and deviations of a substantial nature will result in the tender being refused.

## **2.7 Disclosure requirements**

Tenderers will receive written notification from the purchaser with a short explanation in the event that:

- The tender is refused
- All submitted bids are rejected or if the competition is cancelled.

Suppliers may make a written request for:

- Why the tender was refused or rejected.

The customer must reply within 15 days of having received the tenderer's request.

## **2.8 Alternative offers**

Alternative offers outside of the open tendering process will not be accepted.

## **2.9 Partial bids**

FFI seeks single source suppliers.



## 2.10 Validity of offer

Offers should be valid for a minimum 90 calendar days after the closing date for submission of tenders.

## 2.11 Withdrawal of tender and/or changes

Submitted tenders may be withdrawn or changed until the submission deadline. Withdrawal of tenders should go through the Merccell Purchasing Tool (KGV). Changes in the tender will be considered to be a new offer.

# 3 QUALIFICATION REQUIREMENTS

## 3.1 General requirements

FFI desires to work with a single source vendor who can document the desire and capability of assuming responsibility for the entire delivery. If in order to be able to furnish a bid for complete delivery of goods or services, the vendor wishes to include sub vendors, the applying vendor should appear in the tender document as the primary tenderer. FFI reserves the right to disallow the tenderer's choice of sub vendor. The main supplier should be able to enter into a long term cooperative effort with FFI for common administration of the system described in the invitation for tenders. FFI should be advised of any changes of sub vendors well ahead of time, and the primary supplier agrees to provide any analysis certificates that may be requested in the transition phase.

Requirements are specified more clearly in the specification of technical requirements.

## 3.2 Mandatory requirements

Requirement	Required documentation
The vendor should be current and up to date in the payment of income tax and value added tax.	<ul style="list-style-type: none"><li>• Paid income tax statement (In Norway, tax statement are issued by the municipal treasurer – Form RF-1244 in Norway and should not be more than 6 months old).</li><li>• Value added tax certificate (VAT certificates in Norway are issued by the department of revenue – Form RF-1244, and should not be more than six months old).</li></ul>

Foreign vendors should provide certificates of compliance issued by the relevant authorities in their own countries.

## 3.3 Vendor's organisational and juridical position

Requirements - examples	Documentation requirements - examples
The vendor shall be a legally established business enterprise.	<ul style="list-style-type: none"><li>• Norwegian firms: Company registration certificate.</li><li>• Foreign enterprises: Official documentation that the company is formally registered in the relevant business directory or formal registry of business enterprises in the country in which it is established.</li></ul>

### 3.4 Vendor's economic and financial position

Requirements - examples	Documentation requirements - examples
The vendor shall have the economic capacity to deliver/carry out the contract.	<ul style="list-style-type: none"><li>Credit check/rating within the past year based on the last publicly available accounting figures. Credit rating to have been assessed by a publicly approved credit rating institution.</li></ul>

If there are legitimate reasons that prevent the vendor from providing the specific documentation the customer requests, the vendor may provide other supporting documentation acceptable to the customer which proves his economic and financial position.

### 3.5 Vendor's technical and professional qualifications

Requirement	Documentation requirement
The vendor should be experienced in the relevant line of work and should have successfully executed similar contracts on earlier occasions	A list of references of important contracts the vendor has executed within the last three years, including the value of the contract, the time it was executed, and contact name and telephone of a reference person in the firm commissioning the contract and to whom the delivery was made.

## 4 PROCESSING OF SUBMITTED TENDERS

### 4.1 Registration of tenders

All incoming tenders are registered in the Merzell Purchasing Tool (KGV).

FFI reserves the right to request additional information from tenderers that it considers of interest on the basis of the offers presented. FFI also reserves the right to adjust or modify recommended solutions, as well as to accept any offer, in whole or in part, or to reject all of the submitted bids.

Tenderers of rejected bids will receive written notification thereof.

### 4.2 Opening of tenders

The opening of tenders will not be public.

### 4.3 Rejection of tenderers

Tenderers who fail to submit income tax statements and workplace health and safety statements by the closing date of the invitation to tender will be rejected, likewise tenderers who do not fulfil the established and announced qualification requirements.

Furthermore, the customer may refuse tenderers for other reasons, cf. FOA § 11-10 (Regulations Governing Public Procurement), or for grounds and procedures that fall under Part I and Part II of the above-mentioned Regulations, such as:

- bankruptcy, if the company is in receivership or in the process of liquidation, suspension of business operations or in the process thereof according to national laws and regulations;

- petitioning for bankruptcy, initiation of debt settlement procedures or compulsory dissolution of the enterprise according to national laws and regulations;
- the company has, by legally enforceable judgment, been found guilty of unlawful conditions with respect to its professional conduct;
- the company has breached professional and ethical norms in its branch of operations;
- failure to pay social security insurance in the company's country of establishment or in Norway;
- failure to pay taxes and public duties according to the statutes of law in the country in which the company is established or in Norway;
- grossly misleading or falsification of information and/or withholding of information mentioned herein; likewise falsification/withholding of information with respect to the customer's stated requirements for suppliers.

## **4.4 Rejection of tenders**

A tender will be rejected if:

- a). the tender is not submitted by deadline;
- b). the tender submitted is not in accordance with the invitation to tender;
- c). the tender takes the form of an alternative offer not in keeping with the tender document;
- d). the tender contains provisos and exceptions to tender document stipulations on:
  - the conditions of contract;
  - specification of requirements;
  - partial offers;
  - time duration of offer's validity;
  - withdrawal or alteration of offer.

A bid may be refused if:

- a). the bid does not contain all requested information;
- b). the bid does not give a price as assumed in the tender document;
- c). the bid seems abnormally low in relation to the service being offered;
- d). the bid is not signed.

Before an offer is rejected because it seems abnormally low, the customer shall make written request for relevant information about individual components of the bid and check this against the presentation that has been given.

The customer may consider factual explanations such as savings in production costs, technical solutions, or unusually favourable conditions made possible by new development.

# **5 SPECIFICATION OF REQUIREMENTS**

## **5.1 Specification of technical requirements**

See the attached specification of technical requirements.

## **5.2 Economic terms**

FFI seeks a fixed price on the delivery.

### 5.3 Delivery

DDP Kjeller (Incoterms 2000).

### 5.4 Terms of payment

Payment will be made in cash 30 days after approved delivery and receipt of the invoice. Ongoing deliveries of gas and liquid nitrogen will be settled after each delivery.

### 5.5 Rights of use and ownership and vendor responsibility

FFI desires the right of use to software and right of ownership to the delivered media and documentation that accompany, along with machine ware commodities and components.

## 6 CRITERIA FOR AWARD OF CONTRACTS

FFI will award the contract to the Tenderer who submits the most advantageous Tende calculating according to Table 1.

During the evaluation of Tenders, FFI may wish to carry out an assessment of the capability and performance of Tenderers, specifically in relation to the execution of the proposed contract. In such cases representatives of FFI shall be granted, on request, the necessary access to the Tenderers and their intended sub-contractors personnel, facilities and information to enable such an assessment to be undertaken

FFI shall, during the evaluation period, have the possibility to inspect a similar system as the one offered in the Tender for the purpose of evaluation of user-friendliness, sensitivity and other performance aspects. The cost for travel and stay will in whole be covered by FFI. The system can be installed either in an application centre or in a reference customer's facility where the Tenderer and FFI are granted access. An evaluation will normally not take more than one working day.

The Tenderer must be able to analyze at least five samples for elements listed in chapter 1.2 in different matrices in order to test the performance of the instrument. The Tenderer has to contact FFI for delivery of samples.

<b>Evaluation weighting base</b>	<b>Weight</b>
Technical specifications and documentation	50 %
Cost of procurement	30 %
Time of delivery	20 %

**Table 1**            **Tenderer evaluation weights**

## **7 DECISION ON AWARDING OF CONTRACT**

### **7.1 Cancellation of the invitation for tenders and rejection of all bids**

The customer may cancel the invitation for tenders or, if there are legitimate grounds, reject all bids.

### **7.2 Information and basis for award of contract**

All tenderers will be notified in writing of the customer's decision on the recipient of the contract and in good time before the contract is formally entered into and signed. The term "contract is entered into", means the point in time that both parties sign the contract.

The final date for lodging a complaint is ten calendar days after notification of the award of the contract. Upon the elapse of this deadline, the intent of the customer is to enter into and sign the contract.