



INVITATION TO PRE-QUALIFICATION
NO.2022046974
P2541 X-ray machines for the military

Procurement according to the Regulations of Procurements in the Defence and Security Sector

Deadline: 28.02.2023

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1 INTRODUCTION

1.1 Invitation

The Norwegian Defence Materiel Agency (NDMA) hereby invites suppliers to pre-qualification for the procurement of X-ray machines intended for military field use.

This document describes the rules and procedures for the pre-qualification.

1.2 The Contracting Authority

NDMA is the Contracting Authority and is responsible for carrying out the procurement procedure. The Contracting Authority enters into this agreement on behalf of the Norwegian Ministry of Defence (MoD) and its underlying agencies.

NDMA is an agency in the Norwegian Defence Sector, directly subordinate to the MoD. NDMA shall ensure that the Norwegian Armed Forces (NAF) and other agencies in the defence sector shall have access to cost-efficient and safe materiel in accordance with adopted long-term plans. NDMA's main tasks are planning, procurement, management, and disposal of materiel for the NAF and other MoD agencies.

For additional information on the **Norwegian Defence Materiel Agency**, please visit the website www.fma.no/en

1.3 The User(s) of the Contract

The main user of the contract will be NAF. The Contracting Authority may transfer the contract to NAF. If so, all the rights and obligations of the Contracting Authority are transferred to NAF.

2 THE PROCUREMENT

2.1 Purpose of the procurement

The purpose of this procurement is to retain and bolster the medical capacity and capabilities of NAF. On behalf of NAF, the Contracting Authority will create a Framework Agreement for the X-ray machines further described in section 2.2

2.2 Scope of the procurement

2.2.1 General description

The objective is to procure X-ray machines intended for military use by NAF. The X-ray machines' intended area of usage will include all branches and will provide medical capabilities crucial to the operability of NAF in times of both crises and peace. The procurement will entail the purchase of several X-ray machines. Detailed information regarding the X-ray machines and their functionalities are further detailed in section 2.2.2 of this document.

As part of the procurement, the Contractor must also supply a user course, a maintenance course, as well as deliver spare parts, service, and repair of the materiel. For more information see section 2.3.1.2.

2.2.2 Intended use of the materiel

The X-ray machines will be operated by different types of military personnel and will support NAF's medical capacity in the field. The machines shall provide an invaluable support system for NAF, utilized by marine vessels, medic-tents, and other military areas. The intended field of use prompts an inherent need for mobility and robustness as they will be exposed to different environments and climates. Although the machines will be operated and handled by trained professionals, it is imperative that they have a manageable user-threshold amidst combative and stressful situations.

2.3 Type of Contract and contract provisions

For this procurement, two contracts will be entered into with one (1) contractor: a Framework Agreement and a CLS-agreement.

2.3.1.1 Framework Agreement

The Framework Agreement will be the main contract, and through which call offs will be made. Prior to any call offs, the Contracting Authority anticipates including test and verification of the product as part of the Statement of Work (SOW) process.

2.3.1.2 Contractor logistics support (CLS)

The Contractor Logistics Service (CLS) agreement will primarily cover maintenance and repair services as they relate to the apparatuses. It is necessary that the Contractor can continually supply the sought-after goods and services during the contractual period, with or without third parties "Service & maintenance", as well as replenishment of spare parts, will be an integral part of the CLS-agreement.

The Contracting Authority envisions that the CLS-agreement be kept separate from, although linked to, the Framework Agreement in order to simplify the process if the contracts are transferred to a different department.

2.3.2 Value of Procurement

The estimated value of the procurement is NOK 15 000 000 – 35 000 000, excluding VAT and price adjustment in accordance with the contract.

Maximum value for the totality of the procurement NOK 49 000 000, excluding VAT and price adjustment in accordance with the contract.

The estimated purchase does not serve as an upper or lower limit for what can be procured under the Contract, nor does it entail any purchase obligations relating to call offs. The actual amount of call offs will depend on the user's shifting needs during the term of the Framework Agreement.

Additionally, it is worth noting that the actual value of the Framework Agreement is contingent upon the bid submitted by the tenderer awarded the contract.

The Contracting Authority will purchase the first apparatus for test and verification from the bidder awarded the contract. Payment will occur once the apparatus upon approval.

The Contracting Authority will not commit further funds prior to an acceptance of the product.

2.3.3 Duration

The duration of the Framework Agreement is 7 years, cf. FOSA § 6-1.

The accompanying CLS-agreement is intended to last the technical lifespan of the X-ray machines.

2.3.4 Exclusivity

The Framework Agreement is a non-exclusive agreement. The Contracting Authority reserves the right to enter into contracts with other contractors when deemed practical.

2.3.5 Place of delivery

The place for delivery of products will be south-eastern Norway.

3 GENERAL INSTRUCTIONS

3.1 The procurement procedure and phases

3.1.1 Procurement procedure

The procurement will be conducted according to FOSA Section 5-1 first paragraph as a negotiated procedure, comprising the following two phases:

- The Pre-Qualification Phase
- The Tender Phase

An evaluation will follow each step.

3.1.2 The Pre-Qualification Phase

The purpose of this Pre-Qualification process is to identify qualified suppliers, hereinafter referred to as the “candidates”, capable of supplying the relevant scope of the procurement. The procurement procedure begins with the Pre-Qualification phase, wherein all interested candidates may submit a request to participate. Candidates will have to meet the qualification requirements in accordance with section 6. Candidates compliant with the Pre-Qualification requirements may receive an Invitation to Tender (ITT), see section 6.8.

3.1.3 The Tender Phase

The tender phase begins with the Invitation to tender. Only invited candidates will be allowed to submit tenders.

After submission of tenders, the Purchaser will negotiate with bidders in order to optimize the tenders to the requirements set out in the procurement documents. The purpose of the tender phase is to seek out the best tender in accordance with the award criteria.

The negotiated procedure will take place in successive stages, and the Contracting Authority reserves the right, after each stage, to reduce the number of tenders to be negotiated. The

Contracting Authority also reserves the right to make an initial reduction to 3-6 tenders to be negotiated prior to the negotiations, cf. FOSA § 11-11 (1).

Any reduction of tenders will be made by applying the award criteria on the submitted tenders.

3.1.3.1 Tender notice

The tender will be published on Doffin (www.doffin.no) and Tender Electronic Daily (TED) (www.ted.europa.eu), through Mercell.

3.1.3.2 Admission or Prohibition of Variants

The Contracting Authority does not authorize variants, e.g., the bidder may not submit tenders that do not meet the minimum requirements.

3.1.3.3 Parallel Tenders

“Parallel tenders” means several tenders from the same bidder, that all comply with the requirements in the procurement documents.

Parallel tenders will be accepted. The bidder needs to submit separate bids should they wish to submit parallel tenders. Further information on the requirements to be met by such parallel tenders will be provided in the Invitation to tender.

3.1.3.4 Tenders for only parts of the scope

The Contracting Authority will not accept partial offers to this procurement. It is not possible to submit requests for participation relating only to parts of the procurement.

3.2 Procurement Laws and Regulations

The procurement is carried out in accordance with the Act of 17 June 2016 No 73 on public procurement, “Anskaffelsesloven”, and the Regulations of 4 October 2013 No 1185 on defence and security procurement “Forskrift om forsvars- og sikkerhetsanskaffelser” (FOSA), part I and II.

The Contracting Authority will furthermore carry out the procurement in accordance with its internal instruction of 25 October 2013 no. 1411 “Anskaffelsesregelverket for forsvarssektoren”, (ARF) part I, II and IV. Note, that the internal instruction does not grant any rights to third parties, including potential and actual candidates and tenderers, cf. ARF section 1-2 (2).

Candidates and bidders shall take due care of the provisions of the Norwegian Competition Act of 5 March No. 12 according to which cooperation between suppliers may be considered a violation.

Participation in the tender will in no way entail any obligations for the Contracting Authority to enter into a contract with the candidate, nor involve the Contracting Authority in any financial obligations.

3.3 Procurement documents

3.3.1 The Invitation to Pre-Qualification

The qualifying documentation consists of the following documents:

Document	Name of the document
Invitation	Invitation to Pre-Qualification
Main document – Pre-Qualification	Pre-Qualification NO.2022046974 “X-ray machines” (this document)
Appendix 1	Application to participate
Appendix 2	Deviations from the Pre-Qualification requirements
Appendix 3	Declaration of Commitment
Appendix 4	Form for groups of economic operators submitting a joint request to participate,
Appendix 5	Norwegian Defense Material Agency Ethical Requirements to all contractors
Appendix 6	Ethical statement for suppliers to the Royal Norwegian Ministry of Defense with underlying agencies
Appendix 7	Non-disclosure agreement declaration of confidentiality
Appendix 8	Declaration on ban on Russian companies
Appendix 9	Pre-Qualification Checklist
Appendix 10	Compliance matrix

3.3.2 The Invitation to Tender and Contract documents

The Contracting Authority will only send an Invitation to tender (ITT) to successful candidates who are pre-qualified and selected in accordance with the Pre-Qualification requirements. See section 6.

The invitation will provide further information on the rules and procedures for the tender phase, including the award criteria. The invitation will also include the detailed specifications and the draft contracts, as well as any supporting documents.

If any of these documents cannot be made available directly through Mercell, cf. section 4.1, the invitation will provide information on how to access the documents.

3.4 Important dates and Progress plan

The Contracting Authority plans to conduct the procurement in accordance with the schedule below. Please note that the schedule is tentative, and that the Contracting Authority may adjust it during the process. The exception is the deadline for submitting the Pre-Qualification application, which is absolute. Consequently, applications submitted after the deadline will be rejected.

ACTIVITY	DATE
Publication of “Invitation to Pre-Qualification” Doffin	26.01.2023
Due date for questions about the Pre-Qualification documents	14.02.2023

Deadline to submit Pre-Qualification application	28.02.2023
Pre-Qualification evaluation, and if needed down selection of candidates	March 2023
Notification of Pre-Qualification result	March 2023
Voluntary waiting period	
Release of “Invitation to tender”	March/April 2023
Questions to ITT documents	April/May 2023
Bidders conference	May 2023
Tender due date	July 2023
First evaluation of the tenders	August/September 2023
Standstill period	Minimum 10 days from the day of candidate reduction.
Negotiations	Q3-Q4 2023
Best and final offer	Q4 2023
Announcement of contract award	Q4 2023
Standstill period	Minimum 10 days from the day following contract award.
Contract Signing	Q4 2023
Tender validity date	Q1 2024
Test and verification	Q1-Q2 2024

3.5 International sanctions – Russian involvement

This procurement is conducted in accordance with § 8 n) of the regulation laid down by Royal Decree of 15th of August 2014 no. 1076, with later amendments, concerning restrictive measures regarding actions to undermine or threaten the territorial integrity, sovereignty, independence and stability of Ukraine (“The Regulation”). Accordingly, the Contracting Authority is obligated to not enter into any agreements with any legal entities covered by The Regulation. The Regulation is given with authority from the Act of 14th of April 2021 no. 18 (The Act of Sanctions).

To comply with The Regulation, the Contracting Authority relies on loyal follow-up from its suppliers. Candidates that do not comply with The Regulation will be rejected from the tender.

A prerequisite to receive the ITT is that the candidate has submitted a signed version of the self-declaration, Appendix 8.

If there is any uncertainty whether The Regulation applies to the contractor, the contractor is encouraged to contact the Norwegian Ministry of Foreign Affairs (www.regjeringen.no/en/dep/ud/id833).

The Contracting Authority may also, at any time during the tender process, ask the candidate/bidder to provide further documentation to ensure compliance with The Regulation. This is necessary in order to ensure that the conduct of the tender complies with the rules and regulations for the tender procedure. This may during the tender process entail, but is not limited to, documentation of ownership and strategic structure of the candidate/bidder and its sub-suppliers, description of any reliance or involvement of sub-suppliers, as well as cooperation with any Russian entities.

The Contracting Authority encourages each candidate to familiarize themselves with the obligations and commitments concerning the affirmed international sanctions referenced above. The contract will contain clauses related to these sanctions to ensure compliance throughout the contract period.

3.6 Industrial Co-operation

Pursuant to ARF (Procurement regulations for the defence sector) § 42-2, Industrial Co-operation related to Defence Acquisitions from abroad (RIC) will not be applicable to this procurement.

4 ADMINISTRATIVE PROVISIONS

4.1 Communication

All communication and information exchange in this procurement procedure shall be conducted electronically through the Mercell portal. This means that registration for the procurement and the submission of the request to participate is done through Mercell.

If the candidate is not a Mercell user, or if there are any questions about the portal, contact Mercell Support on phone number: +47 21 01 88 60 or by e-mail to: support@Mercell.com.

4.1.1 Language

All communication in this procurement procedure, including requests to participate, tenders and required documentation, shall be submitted in Norwegian or English unless otherwise specified. The language requirement also applies to the actual tender.

Underlying documentation can be in another Scandinavian language. Official documents, e.g., certificates of registration and tax certificates, may also be accepted in other languages when the original document is provided together with a translation from an authorized translator.

The candidate carries the risk for the Contracting Authority not considering information communicated in other languages.

Should there be any deviations, the Contracting Authority reserves the right to solicit any documentation in pursuit of clarifying the situation.

4.1.2 Contact person

Should there be issues with the Mercell portal, please contact the point of contact below if Mercell Support are unable to solve the issue.

Main/commercial contact:	
Contact person:	Daniel Aleksander Schei Liland
E-mail:	dliland@mil.no

The candidate should not contact nor communicate with other persons besides the above-mentioned point of contact, regarding this procurement.

4.1.3 Questions to the qualification documentation

Any questions from candidates about the qualification documentation must be submitted within the deadline stated in section 3.4.

All inquiries made ahead of the due date for questions, see section 3.4, will be answered and, if relevant, made available to all those who have registered their interest in the Pre-Qualification through Mercell. The identity of the candidates will not be revealed.

In order to automatically receive information relating to this procurement, such as answers to questions, subsequent changes/amendments/corrections, etc. the invitation, interested candidates are recommended registering in Mercell.

4.1.4 Corrections, supplements and/or amendments to the qualification documentation

Within the deadline to submit the application to participate in the tender, Appendix 1, the Contracting Authority is entitled to make corrections, supplements and amendments to the qualification documentation that are not substantial. Corrections, supplements or amendments to the qualification documentation will immediately be sent to all candidates that have registered their interest in Mercell.

4.2 Security clearance

The Contractor's personnel, who will provide services under the CLS-agreement, must be able to be authorised for security grade level: Secret and NATO Secret. This is a precaution as there may arise a situation where the candidate's personnel are exposed to classified information and/or environments.

The NDMA encourages all candidates to familiarise themselves with procedures concerning security approval and security clearance.

For more information, reference is made to the Norwegian National Security Authority's (NSM) website:

<https://nsm.stat.no/> and <https://nsm.stat.no/publikasjoner/skjema/>

Applicable laws and regulations can be downloaded from the following website:
<http://www.lovdatab.no/>

4.3 Public Disclosure and Duty of Confidentiality

4.3.1 Duty of Confidentiality

The candidate and his representatives shall protect confidential information made available to them in connection with the procurement.

4.3.2 Public Access to information

The Freedom of Information Act applies to public access to documents relating to a public procurement.

The public is entitled to access tenders as well as the procurement protocol after the choice of Contractor has been made, cf. the Norwegian Act relating to public access to documents in the public administration (Freedom of Information Act) of 19th of May 2006 no. 16, § 23 (3).

However, the Contracting Authority 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. the Public Administration Act § 13, cf. the Freedom of Information Act § 13, and The Norwegian Trade Secrets Act of 27th of March 2020 § 1.

If the candidate/bidder finds that the application/tender contains information subject to a confidentiality obligation pursuant to The Freedom of Information Act § 13, or for other reasons should be exempted from the public's right to view, the candidate/bidder must deliver a separate version of the application/tender where this information is redacted. The redacted version of the request shall be accompanied by a list of redacted contents and a short account as to why the contents is considered trade secrets. Examples of such information can be personal data, reference descriptions, information about partners, unit prices, hourly rates etc. Please be aware that the Contracting Authority will consider such information as a request, and that the Contracting Authority is obliged to make an independent assessment of the right of access in accordance with The Freedom of Information Act § 29.

The Contracting Authority is required to comply with the principle of additional access to information ref., the Freedom of Information Act § 11.

The Contracting Authority is bound by the Norwegian Public Administrations Act regarding non-disclosure and conflicts of interest during the entire procurement process and after the completion of the procurement process.

4.4 Cost of Participation etc.

Any costs incurred by the candidate in connection with this procurement are the complete responsibility of the candidate and will not be reimbursed.

4.5 Exclusion of candidates

The grounds for exclusion in FOSA section 11-12 apply. The candidate shall familiarize itself with these provisions.

The candidate shall in the request to participate confirm that it is not in any of the situations referred to in FOSA section 11-12, cf. Appendix 1. If the candidate is in such a situation, it shall provide details of the relevant exclusion grounds. In that case, the candidate may provide evidence to the effect that they have taken measures sufficiently demonstrating its reliability despite the existence of the relevant exclusion ground.

Note that, where the Contracting Authority has doubts concerning the candidates or tenders, it may solicit competent authorities for any information it considers necessary. Where the information concerns a candidate established in another State/Country, the Contracting Authority may seek the cooperation of the competent authorities in that State.

5 PRE-QUALIFICATION INSTRUCTIONS AND INFORMATION TO CANDIDATES

5.1 Guidance

In the qualification process, the Contracting Authority's focus will be on selecting the candidates that possess the necessary competence, experience, capacity, and financial standing to handle the prospective scope of contract(s). In order to allocate potential candidates, NDMA has established a set of Pre-Qualification requirements – PQR's.

All PQRs are accompanied by one or more "Pre-Qualification documentation requirements" - PQD. The documentation requested in the PQDs should be numbered, corresponding with the adjacent PQR, and submitted by the candidate as separate appendices to the application.

The candidate is responsible for submitting the requested documentation, listed in section 5.6, as verification. Deviations may lead to rejection, as stated in FOSA §§ 11- 12, 11-13 and 11-14.

5.2 Reliance on the capacity of other entities

The candidate may rely on the capacity of other enterprises to meet qualification requirements regarding economic and financial capacity, and technical qualifications. However, a candidate may not rely on the capacity of other enterprises regarding quality assurance requirements, fulfilment of tax and VAT obligations and ethical responsibility. "Other enterprises" should be understood as parent company, partners, subcontractors, and such.

If the candidate relies on the capacity of other enterprises to fulfil the qualification requirements regarding economic and financial capacity and/or for technical and professional qualifications, a signed declaration of commitment shall be enclosed with the Pre-Qualification application.

5.3 Groups of economic operators

A group of economic operators, e.g., in the form of a Joint Venture or consortia, may cooperate to submit a joint request to participate and a joint tender, cf. FOSA section 8-7 (1).

If such a group applies for Pre-Qualification, the association must act as one candidate. The group is represented by the entity who delivers the application to be pre-qualified on behalf of the group in Merzell. The representing entity must fulfill PQR 1, 2, 3, 4, and 9. However, before signing the contract, the Contracting Authority 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 concerning all Pre-Qualification requirements.

Should a group of economic operators participate in the tender collectively, the candidate must provide information as stated in the pre-qualification requirements listed below, regarding the partners/or sub-contractors:

- Name, address, and business organizational number for the partner(s)/or sub-contractor(s).
- For each of the individual partners of the group, certificates regarding tax, VAT, registration, ethical standards etc. as mentioned in section 6.
- Description of which parts of a service commission the partner(s)/subcontractor(s) will be responsible for.
- If the candidate relies on any sub-contractors, for the purpose of fulfilling one or several of the Pre-Qualification requirements, documentation must be submitted to prove that the requirement is fulfilled.
- The candidate shall submit a signed copy of Appendix 3, a declaration of commitment, from one or more partners (guarantors), ensuring that the group can rely on the capacity of these partners and/or the capacity of other enterprises in accordance with section 5.2.
- A filled in and signed copy of Appendix 4.

The economic operators of the group shall be jointly liable for the execution of the contract.

The NDMA reserves the right to request further documentation and approve any changes to a pre-qualified "association" on a later stage in the procurement.

5.4 Ethical responsibility

Employees in the defence sector and contractors participating in the procurement shall act in accordance with good business practice and ensure a high business ethical standard in their case handling in all phases of the procurement process. All candidates including their collaborating partners shall adhere to the same principles.

Note: The candidate should also familiarize themselves with the statement “*Etiske råd for næringslivskontakt I Forsvarssektoren*” issued by the Norwegian Ministry of Defence, which is found on www.regjeringen.no

5.5 Steps in Pre-Qualification phase

The NDMA will consider whether the Pre-Qualification requirements in section 6 are fulfilled, based on the documentation delivered by the candidates in their request to participate.

Based on the provided documentation, the Contracting Authority will evaluate each candidate's suitability. To be qualified, a candidate must successfully meet all the PQR's listed with corresponding PQD's. Candidates who successfully meet all requirements will thus be qualified for ITT. However, there may arise a situation where the Contracting Authority finds it necessary to limit the number of invited participants to the tender. This is further outlined in section 6.8.

5.6 Submission of Application to Participate

Requests to participate shall be electronically submitted through Mercell.

Files shall be submitted in Microsoft Office, ODF or PDF format. In order to simplify the review process, files shall be named so that the file name refers to the file's content and the structure of the answers. The candidate shall create one file per requirement, see table below.

The request to participate shall contain the following documents and should be structured as follows:

Section No:	Documentation
1.	A completed and signed letter of request to participate, Appendix 1, containing the following information: <ol style="list-style-type: none">1. Reference to the main pre-qualification document's name and number. See the header in this document.2. The candidate's address, telephone number, and the company identification number3. The name of the candidates' contact person, including their telephone number and email address.4. Binding signature from a person authorized to sign on behalf of the candidate.5. Brief description of the company6. Whether or not the candidate be in one of the situations referred to in Appendix 6 <i>Ethical statement for suppliers to the Royal Norwegian Ministry of Defence with underlying agencies</i> section 3, letters a)-g) (cf. also FOSA section 11-12).
2.	Filled in “Pre-Qualification checklist”, Appendix 9, with references to relevant documentation.
3.	Documentation of the qualification requirements stated in section 6. Please structure the required documentation in accordance with the requirement structure and apply the Requirement documentation number as the following: “PQD 1.1 Tax Certificate” “PQD 2.1 Ethical statement”

	<i>Etc.</i>
4.	Declaration of Commitment, Appendix 3– <i>if applicable</i>
5.	Deviations from the pre-qualification requirements, Appendix 2 – <i>if applicable</i>
6.	Completed form for groups of economic operators submitting a joint request to participate, Appendix 4 - <i>if applicable</i>

The Contracting Authority may inquire about the candidate’s ability to co-operate, delivery/fulfilment according to the agreement, handling of unforeseen circumstances such as breach of contract/warranty issues, among other questions that may arise.

5.6.1 Method of Delivery/Submission

All Pre-Qualification applications shall be delivered electronically via the Merzell portal, www.Merzell.com, within the deadline. Applications submitted after the deadline will automatically be rejected by the portal.

It is recommended that the applications be submitted well in advance of the deadline. Already submitted applications can be changed or withdrawn until the deadline expires.

6 PRE-QUALIFICATION REQUIREMENTS

6.1 Tax and VAT certificates

REQUIREMENT	DOCUMENTATION REQUIREMENT
<p>PQR 1: The candidate shall fulfil their obligations regarding payment of tax and VAT.</p> <p><i>Note:</i> Recall the language requirements in section 4.1.1.</p>	<p><u>PQD 1-1:</u> Tax certificate issued within 6 months of the due date for delivery of the application for this Pre-Qualification. Acceptable documentation means:</p> <p><u>For Norwegian candidates:</u> Certificate of tax and VAT from Skatteetaten (skatteattest) shall be submitted.</p> <p><u>For Foreign candidates:</u> 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 candidates must confirm this. The candidate shall then forward a statement confirming that all such taxes have been paid. The Statement shall be confirmed and signed by the candidates Chief Financial Officer / Financial Manager.</p>

6.2 Requirements concerning Ethical Responsibility

REQUIREMENT	DOCUMENTATION REQUIREMENT
<p>PQR 2:</p> <p>The candidate shall comply and undertake sufficient ethical responsibility.</p>	<p><u>PQD 2.1:</u></p> <p>The candidate shall sign the self-declaration “Norwegian Defense Materiel Agency Ethical Requirements to all Contractors”, Appendix 5.</p>

6.3 Requirements concerning candidate’s Non-Disclosure and Confidentiality Agreement

REQUIREMENT	DOCUMENTATION REQUIREMENT
<p>PQR 3:</p> <p>The candidate shall provide a Non-Disclosure and Confidentiality Agreement.</p>	<p><u>PQD 3.1:</u></p> <p>Candidate’s CEO or a person authorized to sign on behalf of the candidate, shall fill in and sign the non-disclosure agreement declaration of confidentiality – Appendix 7.</p>

6.4 Requirements concerning the candidate’s Organisational and Legal Position

REQUIREMENT	DOCUMENTATION REQUIREMENT
<p>PQR 4:</p> <p>The candidate shall be a legally established company.</p>	<p><u>PQD 4-1:</u></p> <p>For Norwegian candidates:</p> <p>Confirmation that that the candidate is registered in “foretaksregisteret i Brønnøysund.”</p> <p><u>For Foreign candidates:</u></p> <p>Documentation that the candidate is registered in a trade register or a register of business enterprise in accordance with the laws of the country where the candidate is established. Such as the registers listed in The Directive 2009/81/EC, Part B of Annex VII for Contracts.</p>

6.5 Requirements for the candidates' economic and financial capacity

REQUIREMENT	DOCUMENTATION REQUIREMENT
<p><u>PQR 5:</u></p> <p>The candidate shall have the necessary economic and financial standing, to fulfil its obligations during the Contract period.</p> <p><i>Note:</i></p> <p>The Contracting Authority may review economic and financial capacity in</p>	<p><u>PQD 5-1:</u></p> <p>The candidate’s financial statements, including notes with the board of directors’ report and auditor’s report, from the last [3] years.</p> <p>If the accounts from the previous year are not available at the deadline for submission of the requests to participate, the provisional annual accounts for the previous year may be enclosed.</p> <p>If the candidate has reasonable grounds for not submitting the required documentation, it may</p>

<p>accordance with the rules stated in ARF section 18, cf. § 18-1 – 18-6.</p> <p>Further on, the Contracting Authority may hire external personnel to conduct a review of the candidates' financial standing.</p>	<p>document its economic and financial standing by presenting any other document that the Contracting Authority considers appropriate.</p> <p><u>PQD 5-2:</u></p> <p>A credit statement and/or credit rating from a recognized institution, no older than 6 months from the Pre-Qualification deadline date.</p> <p>NDMA reserves the right to request additional documentation.</p>
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6.6 Requirements to the candidates' technical and professional qualifications

REQUIREMENT	DOCUMENTATION REQUIREMENT
<p><u>PQR 6:</u></p> <p>The candidate shall have experience with similar related contract performance / deliveries (volume, product and material-similarity).</p> <p>For example:</p> <p>If the candidate has previous experience with X-rays and/or has had contracts with the military sector.</p>	<p><u>PQD 6-1:</u></p> <p>Documentation of up to three (3) similarly related contractual performances from the last five (5) years. All references shall be signed or otherwise confirmed and approved in writing by the candidate, to the extent it is possible, and shall at a minimum include:</p> <ul style="list-style-type: none"> • Brief description of the contract. • The dates • The volume of the delivery/service. • Scope of contract performance in monetary terms. • Contact person (Name, email address, and telephone number). <p>If signed or confirmed documentation cannot be obtained, the candidate shall submit a list containing all relevant contract performances with a description corresponding to the requirement.</p> <p>The Contracting Authority reserves the right to verify the candidates' references.</p>
<p><u>PQR 7:</u></p> <p>The candidate shall have sufficient technical and professional capabilities to fulfil the contract.</p>	<p><u>PQD 7-1:</u></p> <ul style="list-style-type: none"> • A description of the technicians or technical bodies involved, whether they belong directly to the candidate's undertaking, especially those responsible for quality control. • A description of the candidate's technical facilities and their location. <p>If, for any valid reason, the candidate is unable to provide the requested documentation, it may prove its technical and/or professional ability by any other document which the Contracting Authority/entity considers appropriate.</p>
<p><u>PQR 8:</u></p>	<p><u>PQD 8-1:</u></p>

The candidate shall comply with the trade embargo in relation to the Russian war against Ukraine.	Signed Appendix 8 "Declaration on ban on Russian companies".
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6.7 Requirements Concerning Management Systems

REQUIREMENT	DOCUMENTATION REQUIREMENT
<p><u>PQR 9-1:</u></p> <p>The candidate shall have established, implemented, and maintained a Quality Management System (QMS) that complies with the requirements of ISO 9001:2015 or equivalent.</p>	<p><u>PQD 9-1:</u></p> <p>The candidate shall enclose a copy of an ISO 9001:2015 certificate with a scope relevant to the products and services requested, issued by an accredited third-party certification body.</p> <p>The candidate may not rely on the capacity from other companies to fulfil this requirement.</p> <p>If the candidate does not have an ISO 9001:2015 third party certification, the candidate shall enclose a compliance matrix, Appendix 10 or equivalent, showing the relations between ISO 9001:2015 and the candidate's QMS. The compliance matrix shall provide references to the QMS documented information (e.g., process descriptions and/or procedures).</p>
<p><u>PQR 9-2:</u></p> <p>The scope of the candidate's QMS shall cover the products and services requested (Ref. ISO 9001:2015 Determining the scope of the quality management system).</p>	<p><u>PQD 9-2:</u></p> <p>The candidate shall enclose documented information describing the scope of the QMS.</p> <p>For candidates with an ISO 9001:2015 certificate issued by an accredited third-party certification body, the candidate can refer to the scope on the enclosed certificate.</p> <p>Candidates that do not have an ISO 9001:2015 certificate scope to refer to, must provide documented information describing the scope of their current QMS.</p> <p>NDMA reserves the right to request additional documentation.</p>

6.8 Reduction of qualified candidates

The Contracting Authority reserves the right to limit the number of qualified candidates who are invited to receive the ITT to eight (8), cf. FOSA §8-6. If the Contracting Authority finds it necessary to limit the number of qualified candidates, a limitation of candidates will be based on an evaluation of the candidates' fulfilment of PQR 5, PQR 6, and PQR 7.

Should there be cause for a reduction of candidates, PQR 5 and PQR 6 will be weighted more heavily than PQR 7. The Contracting Authority will consider the candidates solidity, whether they possess adequate capital, and their rating. Furthermore, the Contracting Authority will assess the relevance, does the candidate have previous experience with X-rays and/or contracts with the military sector, as well as the scope of the candidate's prior contract performances.

7 CONCLUDING THE PRE-QUALIFICATION PHASE

7.1 Notification of results of Pre-Qualification

The Contracting Authority will inform all candidates in writing if their request for participation in the ITT is excluded because of under-fulfilment of the qualification requirements or if the candidate is rejected as a surplus qualified candidate. The notice will include a justification for why the contractor is not considered qualified or did not reach the qualification phase.

The Contracting Authority reserves the right to reject any incomplete applications.

7.2 Review procedure and deadlines

As stated in FOSA § 11-12 and § 8-6 rejected candidates may:

- 1) Send/File a written complaint within 15 calendar days (counted from the day after the decision is sent) to NDMA if the candidate thinks a decision is not correct. The complaint must be coherent and fully reasoned. The Contracting Authority may at their discretion review the decision and the rejected candidate will be informed hereof,

and/or

- 2) File a request for temporary injunction (“midlertidig forføyning”) with Oslo District Court, cf. FOSA § 10-6 within 15 days counted from the day after the notice of exclusion or rejection was sent.

7.3 Cancellation of the procurement procedure/process

The Contracting Authority can terminate the procurement if there are reasonable grounds for such actions, cf. FOSA section 13-1, for example due to the loss of planned financing or lack of political approval, or if the result of the pre-qualification process provides reasonable grounds for such a decision.

8 CONTRACT CONDITIONS

8.1 General

The invitation to tender will include the draft contract. This will include such contract provisions as required pursuant to ARF section 21-4.

The particular conditions to which the performance of the contract will be subject include, but is not limited to, the following subsections.

8.2 Cost Control

Changes during the Contract period will be subject to cost control, cf. ARF § 17 “Kostnadskontroll”.

8.3 AQAP Standard

Although not included as a Quality Assurance requirement in this pre-qualification, the Contractor will be required, upon contract signing, to be fully compliant with the NATO standard AQAP 2110 Edition D Version 1. We therefore encourage all candidates to familiarize themselves with this standard prior to the ITT.

The SOW will further detail the AQAP 2110 sections pertinent to the contracts.

9 TERMS AND DEFINITIONS

Terminology	
Bidder	The person, firm/company submitting a tender (bid) against the invitation to tender (ITT).
Candidates	A party who has applied for this Pre-Qualification.
Contract	Refers to either the Framework Agreement, the CLS-agreement, or both collectively.
Contracting Authority	The party who is procuring the goods and services.
Contractor	The bidder awarded the contract.
Invitation to Tender (ITT)	An invitation to the tendering competition.
Successful candidate	A party who has submitted an application that has been accepted and received an invitation to tender.
Tender	The contractor's priced offer to the Contracting Authority for the scope of the procurement. Submitted during the Invitation to Tender.