



# NORWEGIAN DEFENCE MATERIEL AGENCY

**Invitation to Pre-Qualification No. 2023044142-1**

**Echo Sounder System for the Ula-class submarines**

## Contents

<b>1</b>	<b>INTRODUCTION .....</b>	<b>4</b>
1.1	Invitation .....	4
1.2	The Contracting Authority .....	4
1.3	The Users of the Contract.....	4
<b>2</b>	<b>THE PROCUREMENT.....</b>	<b>4</b>
2.1	Scope of the Procurement.....	4
2.2	Follow On Technical Support (FOTS) .....	6
2.3	Division into lots .....	6
2.4	Duration of the Contract.....	6
2.5	Value of the Procurement .....	6
2.6	Place of Delivery / Performance .....	6
2.7	Matériel and Facilities Held by the Defence Sector .....	6
<b>3</b>	<b>GENERAL INSTRUCTIONS .....</b>	<b>6</b>
3.1	Procurement Laws and Regulations.....	6
3.2	The Procurement Procedure and Phases.....	7
3.3	Procurement documents .....	7
3.4	Procurement schedule.....	8
3.5	Communication.....	9
3.6	Questions and Changes to the Procurement Documents.....	9
3.7	Language.....	10
3.8	Award Criteria.....	10
3.9	Termination of the procurement procedure .....	10
3.10	Cost of Participation etc .....	10
3.11	Place of Meetings.....	10
3.12	Visitor Permits and Security Clearances .....	10
3.13	Duty of Confidentiality and Public Access to Information.....	10
3.14	Ethical guidelines.....	11
<b>4</b>	<b>INSTRUCTIONS TO CANDIDATES.....</b>	<b>11</b>
4.1	About Qualification Requirements.....	11
4.2	Reliance on the Capacities of Other Entities .....	11
4.3	Qualification Requirements .....	12
4.4	Submission of Requests to Participate .....	15
4.5	Exclusion of Candidates .....	16
4.6	Compliance with Sanctions Laws .....	17
4.7	Deadline for Request for Preliminary Injunction .....	18
<b>5</b>	<b>CONDITIONS FOR PERFORMANCE OF THE CONTRACT .....</b>	<b>18</b>
5.1	General.....	18
5.2	Subcontracting .....	18
5.3	Pay and Working Conditions .....	18
5.4	Transparency and Work with Fundamental Human Rights and Decent Working Conditions .....	18
5.5	Compliance with Sanctions Laws .....	19
5.6	Environmental Considerations – Request for Information.....	19
	<b>APPENDIX 1 – REQUEST TO PARTICIPATE .....</b>	<b>21</b>
	<b>APPENDIX 2 – DECLARATION OF COMMITMENT FROM ENTITIES ON WHICH THE CANDIDATE RELIES TO FULFILL QUALIFICATION REQUIREMENTS.....</b>	<b>23</b>
	<b>APPENDIX 3 – FORM FOR GROUPS OF ECONOMIC OPERATORS SUBMITTING A JOINT REQUEST TO PARTICIPATE.....</b>	<b>25</b>

**APPENDIX 7 - SELF-DECLARATION..... 27**

## **1 INTRODUCTION**

### **1.1 Invitation**

The Norwegian Defence Materiel Agency (NDMA) hereby invites suppliers to pre-qualification for the procurement of Echo Sounder System for the Ula-class submarines.

The procurement will be carried out as a negotiated procedure with pre-qualification of candidates.

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.

NDMA is an agency in the Norwegian Defence Sector, directly subordinate to the Norwegian Ministry of Defence (MoD). NDMA shall ensure that the Norwegian Armed Forces (Armed Forces) and other agencies in the defence sector shall have access to cost-efficient and safe materiel in accordance with adopted long-term plans.

More information is available at [www.fma.no/en](http://www.fma.no/en)

### **1.3 The Users of the Contract**

The contracting authority enters into this agreement on behalf of

- the Norwegian Armed Forces
- the Norwegian Defence Materiel Agency

The contracting authority may transfer the contract to the Armed Forces. If so, all the rights and obligations of the contracting authority are transferred to the Armed Forces.

## **2 THE PROCUREMENT**

### **2.1 Scope of the Procurement**

The scope of the procurement includes the following:

This procurement shall provide 6 complete Echo Sounder System Units, including installation on-board submarine and necessary acceptance tests. The procurement also includes a minor training course, spare parts and delivery of relevant documentation such as technical handbooks, drawings and spare parts information.

The units should preferably use the existing transducers including all inboard and outboard cables. Depth data shall be gathered from shallow and blue water range, as well as any bottom surfaces from mud to rock, and be made available at the Echo Sounder Unit for distribution to various connected sensor equipment on-board through a serial interface on NMEA 422 format.

The current Echo Sounder System have installed transducers (LSE 184 and LSE 136) which enables the system to measure both water depth (WD) from the submarine to the bottom as well as the diving depth (DD) from the submarine to the surface. The transducers for measuring diving depth is placed on the top of the submarine deck, and the transducers for measuring water depth is placed under the keel.

A connection box (AK54) is placed inside the submarine, and serves as a link between the inboard cables and the cables going to the pressure hull penetrators.

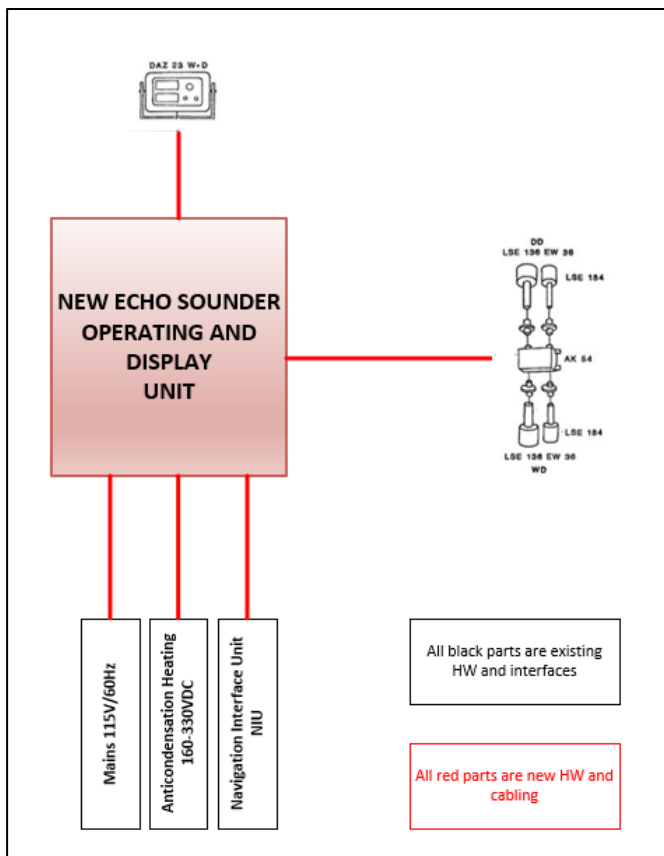
A digital slave display (DAZ 23) displaying both diving depth and water depth, as well as alarm light and loudspeaker for depth alarms. The digital slave display is not equipped with its own power supply, but is provided with the required operating voltage by the Echo Sounder System. The Echo Sounder is a sensor to the navigation system WECDIS and therefore is required to fulfil IMO<sup>1</sup> requirement to a Navigation Echo Sounder.

In general, the Contractor will be responsible for all activities / work performed in order to install the new Echo Sounder Systems on-board the submarines.

To reduce the scope of the installation it is desirable to keep the following legacy parts and cables:

- The inboard cables going from AK54 to the pressure hull penetrators
- The pressure hull penetrators
- The outboard cables going from the pressure hull penetrators to the transducers LSE 136 and LSE 184.
- The transducers LSE 136 and LSE 184
- The slave display DAZ 23

A suggestion to a preferred new Echo Sounder System configuration is shown in the figure below:



<sup>1</sup> International Maritime Organisation

It is NDMA's intention to re-use the existing transducers, slave display, outboard cables and pressure hull penetrators. However, if the bidder has to exchange these parts, additional requirements will apply in order for NDMA to get assurance that these new parts fulfil the necessary quality to perform in the submarine's environmental operation area.

The detailed specifications will be provided to pre-qualified bidders as a part of the invitation to tender.

## **2.2 Follow On Technical Support (FOTS)**

The contracting authority intends to enter into a non-exclusive framework agreement to ensure technical support of the delivered echo sounder systems (FOTS-agreement).

## **2.3 Division into lots**

The contract is not divided into lots.

Tenders for only parts of the procurement's scope will be rejected.

## **2.4 Duration of the Contract**

The term of the contract will be from the effective date of contract until all systems are delivered and installed, and the warranty period is expired.

The duration of the FOTS-agreement will be 5 years from the effective date of the agreement, with the possibility of prolongation of up to 2 years.

Further information will be provided in the invitation to tender.

## **2.5 Value of the Procurement**

The estimated total value of the contract for the entire duration of the contract is 10 000 000,- NOK excluding VAT.

The estimated total value of the FOTS-agreement for the entire duration including all options, is 1 000 000,- NOK excluding VAT.

## **2.6 Place of Delivery / Performance**

The place of delivery of the the materiel and installation will be at the submarine bunker, Laksevåg, Norway.

## **2.7 Materiel and Facilities Held by the Defence Sector**

The contracting authority will deliver facilities, materiel, equipment and services.

Further information on material and facilities held by the defence sector will be provided in the Invitation to tender.

# **3 GENERAL INSTRUCTIONS**

## **3.1 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 IV, and chapter 42 in part V. 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 tenderers 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.

## **3.2 The Procurement Procedure and Phases**

### **3.2.1 Procurement Procedure**

The procedure will be carried out as a negotiated procedure, with the following two phases:

- The Pre-Qualification Phase
- The Tender Phase

### **3.2.2 The Pre-Qualification Phase**

The procurement procedure begins with the pre-qualification phase, where all interested candidates may submit a request to participate. Candidates will have to meet the qualification requirements in accordance with section 4.

In the pre-qualification phase, the contracting authority will assess and verify the qualifications of the candidates and absence of grounds for exclusion. Only suitable candidates will be invited to tender.

### **3.2.3 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 contracting authority will negotiate with tenderers in order to adapt 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 of tenders to be negotiated prior to the negotiations.

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

Further information on the tender phase will be provided in the Invitation to tender.

## **3.3 Procurement documents**

### **3.3.1 The Invitation to Pre-qualification**

The Invitation to pre-qualification describes the rules and procedures for the pre-qualification phase of the procurement procedure, including the qualification requirements that apply to the pre-qualification of candidates.

The Invitation to pre-qualification consists of the following documents:

<b>Document</b>	<b>Name of the document</b>
Main document	Invitation to pre-qualification (this document)

Appendix 1	Appendix 1 – Request to participate (template)
Appendix 2	Declaration of Commitment from entities on which the candidate relies to fulfil qualification requirements (template)
Appendix 3	Form for groups of economic operators submitting a joint request to participate (template)
Appendix 4	Ethical guidelines for contact with business and industry in the defence sector
Appendix 5	Ethical statement for suppliers to the Royal Norwegian Ministry of Defence with underlying agencies
Appendix 6	Prudence, Non-disclosure and Conflict of Interest
Appendix 7	Self-declaration (template)
Appendix 8	Regulations on Industrial Co-operation Related to Defence Acquisitions from Abroad
Appendix 9	Compliance matrix ISO 9001:2015 vs. candidate’s quality management system

### 3.3.2 The Invitation to Tender and Contract Documents

The contracting authority will send an Invitation to tender only to candidates who are pre-qualified.

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 contract, as well as any supporting documents.

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

### 3.4 Procurement schedule

#### 3.4.1 Schedule for the Pre-qualification Phase

The contracting authority plans to carry out the pre-qualification phase in accordance with the following time schedule:

Activity	Date
Dispatch of Contract Notice in Doffin/TED	01.12.2023
Deadline for submission of questions to the Invitation to pre-qualification	20.12.2023
<b>Deadline for submission of requests to participate</b>	<b>11.01.24 kl 1400</b>
Notification of pre-qualification result to rejected / non-selected candidates	25.01.2024
Deadline for application for preliminary injunction	[15] days from notification of pre-qualification result



All dates, except for the deadline for submission of the request to participate, are tentative and might be subject to changes at the contracting authority's discretion. The contracting authority will inform tenderers of any changes to the procurement schedule through Mercell.

### 3.4.2 Schedule for the Tender Phase

The contracting authority plans to carry out the tender phase in accordance with the time schedule below. *All dates are tentative.*

Activity	Date
Invitation to tender is sent to pre-qualified candidates	09.02.2024
Opportunity for survey on board submarine	Week 07-10, 2024
Deadline for submission of questions to the Invitation to tender	12.03.2024
Deadline for submission of tenders	19.03.2024
Negotiations and evaluation phase	March/April 2024
Notification of contract award	May 2024
Standstill period	Minimum 10 days from the day following contract award
Contract signing	May/June 2024
Tender validity date	31.12.2024

### 3.5 Communication

Mercell will be used as the electronic tool for the execution of the procurement procedure.

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

There shall be no contact/communication with any other representative of the contracting authority or other agencies in the defence sector about this procurement procedure.

### 3.6 Questions and Changes to the Procurement Documents

The candidates have the opportunity to ask questions and request further information concerning the Procurement Documents. Such questions and requests shall be submitted in writing through Mercell within the deadlines specified in Section 3.4.1.

The questions and answers, in an anonymized form, will be made available to all candidates in Mercell. The contracting authority will, if relevant, provide answers in the form of updated and or/supplementary documents, enhanced descriptions and clarifications.

The contracting authority also reserves the right to make other corrections, additions, and changes to the Procurement Documents. All changes etc. will be made available in Mercell.

Updated versions of the Procurement Documents will be made available in Mercell, and candidates shall at all times adhere to the latest available version. To receive notifications of changes etc. in the Procurement Documents, the candidates must register their intent to participate in the procurement portal.

### **3.7 Language**

All communication in this procurement procedure, including requests to participate, tenders and required documentation, shall be submitted in English unless otherwise specified.

Negotiations will be conducted in English and the contract will be in English.

### **3.8 Award Criteria**

The contract will be awarded on the basis of the tenders with the best price-quality ratio according to award criteria representing the most economically advantageous tender.

Further information on the award criteria will be provided in the Invitation to Tender.

### **3.9 Termination of the procurement procedure**

The contracting authority can terminate the procurement procedure 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 qualification process provides reasonable grounds for such a decision.

### **3.10 Cost of Participation etc**

Costs incurred by the candidates and tenderers in connection with the preparation, submission or follow-up of the request for participation and tenders, as well as the procurement procedure in other respects, are the complete responsibility of the candidate/tenderer and will not be reimbursed.

The contracting authority is not committed to contract with any candidate or tenderer, and the participation of candidates/tenderers in the procurement procedure will not impose any economic obligations on the contracting authorities towards the candidates or tenderers.

### **3.11 Place of Meetings**

Meetings and negotiations relating to this procurement procedure will primarily take place in the Bergen area and electronically.

### **3.12 Visitor Permits and Security Clearances**

The candidate is responsible for obtaining the necessary visitor permits and security clearances for its participation in any meetings and negotiations in military areas.

Foreign citizens must submit a request for visit through their respective embassies in accordance with the procedures as described here: [www.forsvaret.no/en/contact/request-for-visit](http://www.forsvaret.no/en/contact/request-for-visit).

### **3.13 Duty of Confidentiality and Public Access to Information**

#### **3.13.1 Duty of Confidentiality**

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

#### **3.13.2 Public Access to Information**

For the general public's access to documents relating to a public procurement, the Freedom of Information Act of 19 May 2006 No. 16 and the non-disclosure regulation in the Public Administration Act of 10 February 1967 apply.

Pursuant to the Norwegian Freedom of Information Act section 23, paragraph 3, tenders, including request for participation, and procurement protocols are considered public documents after the contract award. Information considered trade secrets is, however, exempt from public access pursuant to the Freedom of Information Act section 13, cf. the Norwegian Public Administration Act section 13 and FOSA section 3-4.

### **3.14 Ethical guidelines**

NDMA and all employees in the defence sector shall act in accordance with good business practice and pursue the highest ethical standards throughout all stages of the procurement procedure. Likewise, the contracting authority expects that all candidates, tenderers and suppliers adhere to good business practice and pursue the highest ethical standards. Reference is made to *Appendix 4 Ethical guidelines for contact with business and industry in the defence sector* and *Appendix 6 Prudence, Non-disclosure and Conflict of Interest*

The candidate shall in the request to participate, in *Appendix 7 - Self-declaration*, confirm that it accepts and complies with the ethical guidelines in *Appendix 4 Ethical guidelines for contact with business and industry in the defence sector*, *Appendix 5 Ethical statement for suppliers to the Royal Norwegian Ministry of Defence with underlying agencies* and *Appendix 6 Prudence, Non-disclosure and Conflict of Interest*.

Should the candidate be in one of the situations referred to in *Appendix 5*, section 3, letter a) (cf. also FOSA section 11-12), this shall be clearly stated in in *Appendix 7 - Self-declaration*, in accordance with section 4.7.

## **4 INSTRUCTIONS TO CANDIDATES**

### **4.1 About Qualification Requirements**

The qualification requirements are the minimum requirements relating to the candidates' ability to perform the contract. The purpose of the qualification requirements is to ensure that candidates have the necessary organisation, financial standing and technical and professional abilities.

The contracting authority will make its assessment of candidates' suitability based on the information provided by candidates in their requests to participate. Candidates are responsible for ensuring that all requested documentation is submitted and that all questions and requirements are answered. The contracting authority may, but is not under an obligation to, invite candidates to supplement or clarify the certificates and documents submitted in accordance with FOSA section 12-4.

Candidates who do not comply with all qualification requirements will be rejected.

### **4.2 Reliance on the Capacities of Other Entities**

A candidate may rely on the capacities of other entities (supporting entities) to fulfil the qualification requirements concerning the candidate's economic and financial standing and technical and professional ability in sections 4.3.2 and 4.3.3.

If a candidate wishes to rely on the capacity of other entities, the candidate shall document that it will have at its disposal the resources necessary for the execution of the contract, by submitting *Appendix 2 - Declaration of commitment from entities on which the Candidate relies to fulfil qualification requirements*.

The candidate must provide documentation from the supporting entities, confirming that they fulfil the relevant requirements in section 4.3.2 and/or 4.3.3.

Supporting entities shall be legally established entities, and such entities must fulfil the requirements in section 4.3.1 and submit the documentation requested under these requirements. They shall also submit a tax certificate in accordance with the requirements in section 4.5, as well as *Appendix 7 - Self-declaration* (cf. sections 4.6).

Where a candidate relies on the capacities of supporting entities with regard to the requirements in section 4.3.2 *Requirements Concerning the Candidate's Economic and Financial Standing*, the candidate and those entities shall be jointly liable for the execution of the contract.

The candidates may not rely on the capacity of other entities to fulfil the requirements relating to organizational and legal position (section 4.3.1) and management systems (section 4.3.4). However, if the candidate relies on the capacities of supporting entities with regard to the requirements in QR3 and QR4 in section 4.3.3, these entities shall fulfil the requirements relating to management systems in section 4.3.4 for the services that they are required to perform in accordance with the above. For other services not to be performed by such entities, the requirements relating to management systems shall be fulfilled by the candidate itself.

### 4.3 Qualification Requirements

#### 4.3.1 Requirements Concerning the Candidate's Organisational and Legal Position

No.	Qualification requirement	Documentation requirements
QR1	The candidate shall be a legally established company, registered in a professional, trade or business register in its state of origin or establishment.	Current certificate of registration. <u>For Norwegian candidates:</u> - Certificate of Registration (firmaattest) <u>For foreign candidates:</u> - Certificate of Registration

#### 4.3.2 Requirements Concerning the Candidate's Economic and Financial Standing

No.	Qualification requirement	Documentation requirement
QR2	The candidate shall have the necessary economic and financial standing to perform the contract.	- A credit statement with key figures from the last [3] financial years from a recognized credit agency, no older than three months. - Any other information that is relevant to the candidate's financial condition or accounting information (plans for demerger/merger, capital, reduction/debt structures not accounted for in financial statement, etc.).  If, for any valid reason, the candidate is unable to provide the requested documentation, for instance if the candidate is a newly established entity, it may prove its economic and financial standing by any other document which the contracting authority considers appropriate.

### 4.3.3 Requirements Concerning the Candidate's Technical and Professional Ability

No.	Qualification requirement	Documentation requirement
QR3	The candidate shall have relevant/ sufficient experience from similar contracts.	<p>Supplies:</p> <p>A list of the 3 most relevant references for supply contracts provided in the past five years. The list shall include the following information:</p> <ul style="list-style-type: none"> <li>- Recipient name, and whether public or private</li> <li>- Brief description of the contract</li> <li>- The value of the contract</li> <li>- The dates</li> </ul> <p>Contact person (name, telephone and e-mail)</p> <p>Services:</p> <p>A list of the 3 most relevant references for service contracts provided in the past five years. The list shall include the following information:</p> <ul style="list-style-type: none"> <li>- Recipient name, and whether public or private</li> <li>- Brief description of the contract</li> <li>- The value of the contract</li> <li>- The dates</li> <li>- Contact person (name, telephone and e-mail)</li> </ul>
QR4	The candidate shall have sufficient technical and professional ability/capacity to perform the contract.	<ul style="list-style-type: none"> <li>- A description of the technicians or technical bodies involved, whether or not they belong directly to the candidate's undertaking, especially those responsible for quality control</li> <li>- A description of the candidate's technical facilities</li> <li>- A statement of the average annual manpower of the candidate and the number of managerial staff for the last three years</li> <li>- A description of the tools, material, technical equipment, staff numbers and know-how and/or sources of supply — with an indication of the geographical location when it is outside the territory of the EEA — which the candidate has at its disposal to perform the contract, cope with any additional needs required by the contracting authority as a result of a crisis or carry out the maintenance, modernisation or adaptation of the supplies covered by the contract;</li> <li>- An indication of the proportion of the contract which the economic operator intends possibly to subcontract;</li> </ul> <p>Supplies:</p> <ul style="list-style-type: none"> <li>- Certificates drawn up by official quality control institutes or agencies of recognised competence</li> </ul>

		<p>attesting the conformity of products, clearly identified by references to specifications or standards.</p> <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>
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#### 4.3.4 Requirements Concerning Quality Management Systems

	Qualification requirement	Documentation requirements
QR5	The candidate shall have established, implemented, and maintained a quality management system that complies with the requirements of ISO 9001:2015 or recognized equivalent international standard.	<ul style="list-style-type: none"> <li>- The candidate shall enclose a copy of a valid ISO 9001:2015 certificate issued by an accredited third-party certification body. The scope of the certificate must be clearly described, as required by ISO 9001:2015 para. 4.3, and shall include all areas and activities that will be involved in the deliveries under this contract.</li> <li>- If the candidate does not have an ISO 9001:2015 third party certification, the candidate shall fill in the enclosed compliance matrix in appendix 9 showing the relations between ISO 9001:2015, and the candidate's quality management system.</li> <li>- Where the candidate is a group of economic operators (joint ventures, consortia, etc.), the documentation mentioned above, shall be delivered by every single participant in the group. The candidate shall describe the contribution for each single participant during the contract period, and how the candidate will ascertain the implementation of the quality management system for the group.</li> </ul>
QR6	The candidate shall have a good information security management system.	<ul style="list-style-type: none"> <li>- If the candidate is certified to ISO 27001 or an equivalent standard, a copy of a valid certificate drawn up by an accreditation body attesting that Candidate's management system complies with such a standard.</li> <li>- If the candidate is not certified to such a standard, a description of the candidate's information security management system.</li> </ul> <p>The scope of the certificate/the described system shall include all areas and activities that will be involved in the deliveries under this contract.</p>

	Qualification requirement	Documentation requirements
QR7	The candidate shall have a management system which ensures that due diligence is performed in the supply chain for the performance of the contract with the aim of enabling the candidate to identify, prevent and mitigate adverse impacts of the performance of the contract related to workers, human rights, the environment, bribery, consumers and corporate governance.	<p>A description of the candidate’s management system for the performance of supply chain due diligence, including information on how the candidate</p> <ul style="list-style-type: none"> <li>- identifies and assess risks in the supply chain</li> <li>- design and implement strategies to respond to identified risks</li> <li>- carry out independent third-party audits</li> </ul>
QR8	The candidate shall have a good environmental management system.	<ul style="list-style-type: none"> <li>- If the candidate is certified to ISO 14001 or an equivalent standard, a copy of a valid certificate drawn up by an accreditation body attesting that Candidate’s environmental management system complies with such a standard.</li> <li>- If the candidate is not certified to such a standard, a description of the candidate’s environmental management system.</li> </ul> <p>The scope of the certificate/the described system shall include all areas and activities that will be involved in the deliveries under this contract.</p>

#### 4.3.5 Requirements Concerning Security

	Qualification requirement	Documentation requirements
QR9	The candidate shall be able and willing to enter into a security agreement with NDMA at level CONFIDENTIAL (KONFIDENSIELT) according to Norwegian security act.	The candidate shall state able- and willingness to enter into a Security Ageement with the NDMA.

#### 4.4 Submission of Requests to Participate

Requests to participate shall be electronically submitted through Merccell before the deadline set out in section 3.4.1.

Files shall be submitted in Microsoft Office, ODF or PDF format. Files shall be named so that the file name refers to the file's content and the structure of the answers. Candidate shall create one file per requirement, see table below.

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

No.	Document name	Reference
1	Completed letter of request to participate	Appendix 1 (template)
2	If relevant, declaration of commitment if the candidate relies on other companies to meet qualification requirements	Appendix 2 (template), cf. section 4.3
3	If relevant, completed form for groups of economic operators submitting a joint request to participate.	Appendix 3 (template), cf. section 4.2
4	Self-declaration	Appendix 7 (template), cf. section 3.15, 4.5 and 4.6
5	Certificate of registration (firmaattest)	Section 4.3.1, QR1
6	Tax certificate	Section 4.5
7	Documentation on economic and financial capacity	Section 4.3.2, QR2
8	Documentation on technical and professional qualifications	Section 4.3.3, QR3-QR4
9	Documentation on management systems	Section 4.3.4, QR5-QR8
10	Information on environmental considerations	Section 5.6

#### 4.5 Exclusion of Candidates

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

The candidate shall in the request to participate, in *Appendix 7 - Self-declaration*, confirm that it is not in any of the situations referred to in FOSA section 11-12. 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 the candidate has taken measures that sufficiently demonstrates its reliability despite the existence of the relevant exclusion ground.

As regards the exclusion ground in FOSA section 11-12 relating to the payment of social security contributions, taxes and VAT, the candidate shall in the request to participate also submit a tax certificate, no older than 6 months from the date of submission of the request to participate, cf. also FOSA section 8-17.



- For Norwegian candidates this means that a Certificate of tax and VAT, Form RF 1316 from Skatteetaten (skatteattest) shall be submitted.
- For foreign candidates, a certificate issued by the competent authority in the state concerned shall be submitted. If the state concerned does not issue such certificates, it may be replaced by a self-declaration which confirms that all taxes and duties are paid. The declaration must be approved and signed by the candidate's CFO/Financial Manager.

#### **4.6 Compliance with Sanctions Laws**

Pursuant to the Regulations of 15 August 2014 No. 107 on restrictive measures regarding actions that undermine or threaten the territorial integrity, sovereignty, independence and stability of Ukraine (the Ukraine Sanctions Regulations) section 8n, it is prohibited to award public contracts covered by FOSA part II to:

- a) a Russian national, or a natural person or legal person, entity or body established in Russia;
- b) a legal person, entity or body whose proprietary rights are directly or indirectly owned for more than 50% by natural or legal persons, entities or bodies referred to in point a above; or
- c) a natural or legal person, entity or body acting on behalf of or at the direction of a natural or legal person, entity or body referred to in point a or b above,

including, where they account for more than 10 % of the contract value, subcontractors, suppliers or entities whose capacities are being relied on within the meaning of FOSA.

Pursuant to the Ukraine Sanctions Regulations, such candidates will be rejected from this procurement procedure.

Furthermore, contracting authority expects that the candidate is not in violation of any other Sanctions Laws, and that neither the candidate nor any of its directors or leading employees engaged or to be engaged, are:

- a) listed on any list of entities, persons or bodies subject to sanctions under any Sanctions Laws; nor
- b) owned, controlled by, or act on behalf of any person, body or entity listed on any list of entities, persons and bodies subject to sanctions under any Sanctions Laws.

Sanctions Laws means any law, resolutions and/or regulations, trade embargoes, restrictive measures and/or decisions implemented, adopted, imposed and/or enforced by any competent authority, including, but not limited to, the Norwegian state, the United Nations, the European Union and the United States of America directed at prohibiting or restricting dealings with certain countries, territories, governments or specifically designated persons or entities.

The contracting authority will consider, at its own discretion, rejecting a candidate if the candidate is in violation of the above, cf. FOSA section 11-12 (2) letter d or h.

The candidate shall in the request for participation, in *Appendix 7 – Self-declaration*, confirm that it is not in a situation as referred to in section 8n of the Ukraine Sanctions Regulations and that it is otherwise not in violation of the above. If the candidate is in violation of the above, the candidate shall describe the violation as well as give an account of appropriate self-cleaning measures that have been or will be implemented.

The supplier shall warrant and represent the same in the contract, cf. section 5.5.

If the candidate is a group of economic operators (e.g., a Joint Venture), the required information shall be provided for each individual group member.

If the candidate, or a group member in case the candidate is a group of economic operators, is part of a group and/or another company or other companies have control of the candidate or such group member, the contracting authority requests the required information also from the ultimate parent company of the group/the ultimate controlling company.

#### **4.7 Deadline for Request for Preliminary Injunction**

Any request for a preliminary injunction against the contracting authority's decision to reject a request to participate shall be submitted to the court within 15 days after such a notice is sent, cf. FOSA section 10-6.

### **5 CONDITIONS FOR PERFORMANCE OF THE CONTRACT**

#### **5.1 General**

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

In the following subsections, particular conditions to which the performance of the contract will be subject are described.

#### **5.2 Subcontracting**

When using sub-suppliers, the supplier remains bound by its obligations to the contracting authority under the agreement and retains sole responsibility for carrying out the procurement.

The supplier shall ensure sub-suppliers' compliance with all requirements and obligations in the contract.

Tenderers who intend to use sub-suppliers will be required to provide information about the share of the contract that the candidate intends to subcontract to third parties, the proposed subcontractors, and the subject-matter of the subcontracts for which they are proposed.

Any changes at the level of subcontractors during the execution of the contract will be subject to prior approval from the contracting authority.

#### **5.3 Pay and Working Conditions**

The contract will contain requirements for pay and working conditions, documentation and sanctions in accordance with the Regulations of 8 February 2008 no. 112 on pay and working conditions in public contracts (forskrift om lønns- og arbeidsvilkår i offentlige kontrakter).

#### **5.4 Transparency and Work with Fundamental Human Rights and Decent Working Conditions**

The contract will contain requirements to promote basic human rights and decent working conditions.

Suppliers that are subject to the Act of 18 of June 2021 No. 99 relating to enterprises' transparency and work on fundamental human rights and decent working conditions (Transparency Act), must ensure compliance with all legal obligations of the Transparency Act.

All suppliers, irrespective of being subject to the Transparency Act, shall promote fundamental human rights and decent working conditions in its own operations and its' supply chain for the execution of the contract. This includes providing the contracting authority with:

- i) the necessary information related to the supplier to identify and assess actual and potential adverse impacts on fundamental human rights and decent work conditions that are directly linked with the execution of the contract,
- ii) corresponding information relating to the supplier's supply chain, and
- iii) immediate notification of any material adverse incident affecting fundamental human rights or decent work conditions.

## 5.5 Compliance with Sanctions Laws

The supplier will in the contract be required to warrant and represent that it is in compliance with Sanctions Laws, cf. section 4.6.

## 5.6 Environmental Considerations – Request for Information

With this chapter the Purchaser requests information on possibilities in the market for environmental considerations. The information will help the Purchaser to choose course of action in the environmental area for the procurement.

### 5.6.1 Recycling of Material on board

Two regulations are governing the requirements for safe and environmentally soundship recycling:

- Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009 SR/CONF/45 (HKC), which will enter into force in June 2025.
- The EU Regulation on Ship Recycling (EU) No. 1257/2013 (EU SRR), which is in force since 31<sup>st</sup> of December 2020.

The main concern is that ships may contain hazardous materials such as ozone-depleting substances, asbestos, heavy metals and others, which may have negative impacts both on workers health safety and to environment.

The candidates are asked to provide answers to the following :

- Perspectives on how can we help each other fulfil these requirements in the future.
- Does some form of *Statement of compliance on Inventory of Hazardous Materials* (not just for the whole ship) already exist?
- Has the candidate implemented procedures on how to recycle the requested material? If not, does the Candidate intend to develop such procedures?

Scope of the IHM		Shipbuilding & Operation	Preparation prior to Recycling	
		Part I Structure & Equipment	Part II Operationally generated Wastes	Part III Stores
HKC	EU SRR			
Appendix 1	Annex I	✓		
Mandatory for new / existing ships & new installations				
Appendix 2	Annex II	✓		
Mandatory for new ships / installations; as far as practicable for existing ships				
Table C Materials Potentially hazardous items			✓	✓
Table D Materials Regular consumable goods potentially containing hazardous materials				✓

The figure above is for illustration, from the site listed below. More information about this topic can be found at [www.dnv.com/maritime/insight/topics/ihm-ship-recycling/index.html](http://www.dnv.com/maritime/insight/topics/ihm-ship-recycling/index.html).

### **5.6.2 The focus on environmental impact**

The Candidates are asked to provide information on their work with the environmental impact, and how they work to reduce their footprint.

- Please provide a description on implemented measures related to the product, production and or supply-chain.
- Are there any new artificial intelligence (AI), surveys or co-operation on this topic in your company?
- Do you have any specific environmental goals to reach within 2030 or 2050 which are the dates set globally?
- Do you have a plan for re-using materials, or re-collecting old delivered materials when they are defective or will be garbage?

**APPENDIX 1 – REQUEST TO PARTICIPATE**

Company name/legal entity:	
Group name (if relevant)*:	
Registration Number:	
Postal address:	
Visiting address:	
Telephone	
E-mail address:	
Website:	

*\* if part of a group of economic operators submitting a joint tender*

Contact person:	
Telephone:	
E-mail address:	

**Company name/legal entity** (hereinafter “the candidate”) hereby request to participate in the procurement for Echo Sounder System for Ula-class submarines, No. 2023044142-1.

The candidate confirms that it is familiar with the requirements and obligations in the Invitation to pre-qualification.

For the fulfilment of the qualification requirements, the candidate will:

- not rely on other entities to meet the prequalification requirements
- rely on other entities to meet the prequalification requirements concerning economic and financial standing (fill out the relevant table below)
- rely on other entities to meet the prequalification requirements concerning technical and professional ability (fill out the relevant table below)

The candidate relies **on the following entities** to meet the qualification requirements concerning **economic and financial standing**:

Line No.	Name of entity	Core business area	Pre-qualification requirement	Contact information
				[enter tabulator for a new line, repeat as many times as needed]

The candidate relies **on the following entities** to meet the qualification requirements concerning **technical and professional ability**:

Line No.	Name of entity	Pre-qualification requirement	Contact information
			[enter tabulator for a new line, repeat as many times as needed]

On behalf of **company name/legal entity,**

**dd.mm.yy**

Date

**\_\_\_\_\_**

Place, country

**Signature by an authorized person**

**Name**

**Title**

**company name/legal entity**

## APPENDIX 2 – DECLARATION OF COMMITMENT FROM ENTITIES ON WHICH THE CANDIDATE RELIES TO FULFILL QUALIFICATION REQUIREMENTS

Name of supporting company /legal entity:	
Registration Number:	
Postal address:	
Visiting address:	
Telephone	
E-mail address:	
Website:	

Contact person:	
Telephone:	
E-mail address:	

**Name of supporting company /legal entity** (“the guarantor”) hereby guarantees without reservation that it will place at the disposal of **company name/legal entity** (“the candidate”) the necessary resources for the candidate’s fulfilment of the contract, cf. Echo Sounder System for the Ula-class submarines, No. 2023044142-1 for the following qualification requirements relating to:

- the economic and financial standing, please specify:

- technical and professional ability, please specify:

If the candidate relies on the guarantor to fulfil the qualification requirements relating to the economic and financial standing, the guarantor confirms that it will be jointly liable with the candidate for the execution of the contract.

On behalf of **name of supporting company /legal entity,**

dd.mm.yy

\_\_\_\_\_, \_\_\_\_\_

Signature by an authorized person

Date

Place, country

Name

Title

company name/legal entity



**APPENDIX 3 – FORM FOR GROUPS OF ECONOMIC OPERATORS SUBMITTING A JOINT REQUEST TO PARTICIPATE**

Groups of economic operators, e.g. in the form of a Joint Venture or consortium, requesting to participate, shall fill out this Appendix 3.

**Name of the Group:**

--

	Names, addresses and registration numbers of all partners in the group of economic operators submitting a joint request to participate*	Likely financial commitment in % of this delivery (non-binding)
<b>1.</b>	<b>Lead partner:</b> Name: Address: Registration Number:	
<b>2.</b>	<b>Partner:</b> Name: Address: Registration Number:	
<b>3.</b>	<b>Partner:</b> Name: Address: Registration Number:	
<b>4.</b>	<b>Partner:</b> Name: Address: Registration Number:	

*\* Please repeat/delete fields as appropriate.*

The partners of the group confirm that they will be jointly liable for the execution of the contract.

Lead Partner

Partner 2

Signature: ..... Signature: .....

Name:

Name:

Title:

Title:

Date:

Date:

Partner 3

Partner 4

Signature: ..... Signature: .....

Name:  
Title:  
Date:

Name:  
Title:  
Date:

*\* Please repeat/delete fields as appropriate.  
Signatures by authorized persons for each of the partners.*

## APPENDIX 7 - SELF-DECLARATION

On behalf of **Company name/legal entity** (hereinafter referred to as “the economic operator”), I, the undersigned, hereby formally declare the following:

### I. Fulfilment of qualification requirements and submission of documentation

The economic operator complies with all qualification requirements and has submitted the requested documentation. The candidate is aware that missing or incomplete documentation may lead to rejection of the request to participate.

### II. Exclusion grounds

The economic operator confirms that it is familiar with the exclusion grounds in FOSA section 11-12 relating to the personal situation of the tenderer and that it:

- is not in any of the situations referred to in FOSA section 11-12
- it is in the following situations referred to in FOSA section 11-12:

Please provide details of the relevant exclusion grounds. The economic operator may also provide evidence to the effect that the economic operator has taken measures that sufficiently demonstrates its reliability despite the existence of the relevant exclusion ground:

### III. Ethical guidelines etc.

The economic operator confirms that it is familiar with, accepts and complies with the ethical guidelines in *Appendix 4 - Ethical guidelines for contact with business and industry in the defence sector*, *Appendix 5 - Ethical statement for suppliers to the Royal Norwegian Ministry of Defence with underlying agencies* and *Appendix 6 - Prudence, Non-disclosure and Conflict of Interest*.

### IV. Compliance with Sanctions Laws etc

The economic operator confirms that there is no, and will not be any, Russian involvement in the request to participate or the tender for Echo Sounder System for Ula-class submarines.

In particular, the economic operator declares that

- (a) The economic operator is not a Russian national, or a natural or legal person, entity or body established in Russia;
- (b) The economic operator is not a legal person, entity or body whose proprietary rights are directly or indirectly owned for more than 50% by natural or legal persons, entities or bodies referred to in point (a) of this paragraph;
- (c) Neither I, nor the economic operator, is acting on behalf of or at the direction of a natural or legal person, entity or body referred to in point (a) or (b) of this paragraph;

- (d) There is no, and will not be any, participation, which accounts for more than 10 % of the contract value, of a natural or legal person, entity or body as referred to in point (a), (b) or (c) of this paragraph, in the form of subcontractors, suppliers or other entities on whose capacity the economic operator relies on within the meaning of the public procurement regulation.

The economic operator is not in violation of any other Sanctions Laws, and neither the economic operator nor any of its' directors or leading employees engaged or to be engaged, are:

- a) listed on any list of entities, persons or bodies subject to sanctions under any Sanctions Laws; nor
- b) owned, controlled by, or act on behalf of any person, body or entity listed on any list of entities, persons and bodies subject to sanctions under any Sanctions Laws;

If the economic operator is in violation of any Sanctions Laws, the tenderer shall describe the violation as well as give an account of appropriate self-cleaning measures that have been or will be implemented:

## V. Signature

I, the undersigned, formally declares that the information stated in parts I to IV above is accurate and correct and that it has been set out in full awareness of the consequences of serious misrepresentation.

On behalf of **Company name/legal entity,**

**dd.mm.yy**

\_\_\_\_\_

\_\_\_\_\_

Date

Place, country

Signature by authorized person

**Name**

**Title**

**company name/legal entity**

**Registration number:**