



NORWEGIAN DEFENCE MATERIEL AGENCY

Invitation to Pre-Qualification No. 2024036075

P2588

Spatial Disorientation Simulator

Deadline 16 December 2024

CONTENTS

1	INTRODUCTION	4
1.1	Invitation	4
1.2	The Contracting Authority	4
1.3	The Users of the Contract.....	4
2	THE PROCUREMENT.....	4
2.1	Scope of the Procurement.....	4
2.2	Options	5
2.3	Place of Delivery / Performance	5
2.4	Classified Procurement	5
2.5	Facilities Held by the Defence Sector	5
3	GENERAL INSTRUCTIONS	6
3.1	Procurement Laws and Regulations.....	6
3.2	The Procurement Procedure and Phases	6
3.3	Procurement documents	7
3.4	Procurement schedule.....	7
3.5	Communication.....	8
3.6	Questions and Changes to the Procurement Documents	9
3.7	Language.....	9
3.8	Admission or Prohibition of Variants	9
3.9	Award Criteria.....	9
3.10	Termination of the procurement procedure	10
3.11	Cost of Participation	10
3.12	Place of Meetings.....	10
3.13	Visitor Permits and Security Clearances	10
3.14	Duty of Confidentiality and Public Access to Information	10
3.15	Ethical guidelines.....	11
4	INSTRUCTIONS TO CANDIDATES.....	11
4.1	About Qualification Requirements.....	11
4.2	Groups of economic operators (joint ventures, consortia, etc.).....	12
4.3	Reliance on the Capacities of Other Entities	12
4.4	Pre-qualification Requirements	13
4.5	Submission of Requests to Participate	16
4.6	Exclusion of Candidates	17
4.7	Compliance with Sanctions Laws	17
4.8	Deadline for Request for Preliminary Injunction	18
5	CONDITIONS FOR PERFORMANCE OF THE CONTRACT	18
5.1	General.....	18
5.2	Subcontracting.....	18
5.3	Security of information	18
5.4	Pay and Working Conditions	19
5.5	Transparency and Work with Fundamental Human Rights and Decent Working Conditions	19

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..... 19

5.6 Compliance with Sanctions Laws 19

5.7 Industrial Co-Operation 19

5.8 NATO Quality Assurance Requirements..... 20

5.9 Main Terms concerning Financing and Payment 20

APPENDIX 1 – REQUEST TO PARTICIPATE 21

APPENDIX 2 – DECLARATION OF COMMITMENT FROM ENTITIES ON WHICH THE CANDIDATE RELIES TO FULFILL QUALIFICATION REQUIREMENTS..... 23

APPENDIX 3 – FORM FOR GROUPS OF ECONOMIC OPERATORS SUBMITTING A JOINT REQUEST TO PARTICIPATE..... 25

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 Spatial Disorientation Simulator.

NDMA is looking to acquire a simulator which shall train aircrew in spatial disorientation (SD) in a suitable physical fidelity environment.

The Norwegian Defence, Institute of Aviation Medicine (FMI) has been using the Spatial Disorientation Simulator (SDS) GYRO-1 for training Norwegian aircrew since 1997. The SDS is today located at the University of Oslo (UiO) in Oslo, Norway.

The use of Spatial Disorientation Simulator in Norway is in accordance with national regulations and NATO STANAG 3114. The SDS has been a vital training facility for the quality of the education and training of aircrew spatial disorientation.

The object of the procurement is to replace the existing simulator.

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. NDMA's main tasks are planning, procurement, management, and disposal of materiel for the Armed Forces and other MoD agencies.

More information is available at 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 Norwegian Defence Estates Agency
- the Norwegian Defence Research Establishment

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:

- Procurement of Spatial Disorientation Simulator

- Contractor Logistic Support (CLS) Contract to support the simulator during the lifespan of the simulator. Initially the CLS contract will be entered into for five years with the option for prolongation.

2.2 Options

The procurement includes the following option:

Prolongation of the CLS contract/framework agreement up to three times i.e initial five years and then five+five+five years; 20 years in total. Exercise of options should be made 6 months prior to expiration of the ongoing CLS period.

2.3 Place of Delivery / Performance

The place of delivery of the materiel and provision of the services will be the Norwegian Defence, Institute of Aviation Medicine (FMI), Oslo, Norway.

2.4 Classified Procurement

The procurement itself is unclassified.

The successful tenderer may after delivery and during support and maintenance of the system gain access to classified information, up to the following security level: NATO Confidential.

The classified information is protected by the Norwegian National Security Act of 1st of June 2018 No 24 (Sikkerhetsloven) with regulations. Candidates will have to submit to and comply with the requirements therein.

This entails the following requirements:

- The candidate shall be from a state/jurisdiction with whom Norwegian Authorities have sufficient defence and security cooperation.
- The successful tenderer may be required, after the award of contract and prior to contract signing, to enter into a security agreement with the contracting authority.
- The successful tenderer may be required, after the award of contract and prior to signing of the contract, to obtain security clearance up to the following security level: NATO Confidential.
- The successful tenderer may be required, after the pre-qualification and for the performance of the contract, to meet and obtain the necessary security authorisations and/or clearances up to the following security level: NATO Confidential.

Candidates shall obtain any clearances and/or permits required without undue delay at the requested stage of the procurement.

The contracting authority encourages all candidates to familiarise themselves with procedures concerning the security approval and security clearance via the candidate's national security authorities.

2.5 Facilities Held by the Defence Sector

Further information on 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 (Lov om offentlige anskaffelser), and the Regulations of 4 October 2013 No 1185 on defence and security procurement (Forskrift om forsvars- og sikkerhetsanskaffelser, FOOSA), 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 the Procurement Regulations for the Norwegian Defence (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 receive the Invitation 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 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 and selection criteria that apply to the pre-qualification of candidates.

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

Document	Name of the document
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	N/A
Appendix 9	Guide for Clearance of Foreign Citizens Visiting Norway
Appendix 10	AQAP-2110 EdD V1
Appendix 11	Compliance matrix ISO 9001:2015 vs. candidate's quality management system
Appendix 12	Regulations for Industrial Co-operation related to Defence Acquisitions from Abroad

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 and selected in accordance with the selection criteria.

The Invitation to Tender 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.

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 Invitation to pre-qualification in Doffin/TED	31.10.2024
Deadline for submission of questions to the Invitation to pre-qualification	18.11.2024
Deadline for submission of requests to participate	16.12.2024 at 3PM CET (time zone for Norwegian territory)
Pre-qualification and, if needed, selection of candidates	02.2025
Notification of pre-qualification result to rejected / non-selected candidates	02.2025
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	Q1 2025
Deadline for signing up for Bidders Conference	Q1 2025
Bidders conference	Q1-Q2 2025
Deadline for submission of questions to the Invitation to tender	Q1-Q2 2025
Deadline for submission of tenders	Q2 2025
Negotiations and evaluation phase	Q2-Q4 2025
Notification of contract award	Q4 2025
Standstill period	10 days from the day following contract award
Contract signing	Q1 2026
Tender validity date	TBD
Delivery	Q4 2027

3.5 Communication

Mercell is the digital platform and procurement tool for the execution of the pre-qualification. 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 or procurement procedure.

3.6 Questions and Changes to the Procurement Documents

The candidates shall review the Procurement Documents carefully and notify the contracting authority without undue delay if errors, ambiguities, or inconsistencies are found. Errors, ambiguities, or inconsistencies that a diligent candidate should have discovered when reviewing the Procurement Documents before submission of the request to participate, cannot later be invoked as a basis for claims against the contracting authority.

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 or Norwegian unless otherwise specified. Underlying documentation can be in another Scandinavian language. Official documents, e.g. certificates of registration and tax certificates, can also be accepted in other languages. In this case, a translation from an authorized translator must be provided together with the original document.

3.8 Admission or Prohibition of Variants

The contracting authority does not authorize variants.

3.9 Award Criteria

The contract will be awarded to the most advantageous tender based on the contracting authority's evaluation.

The contract will be awarded based on the following:

Priority	Criteria
1	Functionality
2	Time
3	Cost

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

3.10 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.

3.11 Cost of Participation

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.

3.12 Place of Meetings

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

3.13 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, ref. also Appendix 9 *Guide for Clearance of Foreign Citizens Visiting Norway*.

3.14 Duty of Confidentiality and Public Access to Information

3.14.1 Duty of Confidentiality

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

3.14.2 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.

The candidate may enclose a redacted version of the request to participate where contents considered trade secrets are 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 are considered trade

secrets. The contracting authority is nevertheless obliged to conduct an independent assessment of the request and exempt information from public access only by statutory authority.

3.14.3 Collaboration in the Defense Sector

The submission of a request to participate grants the contracting authority the right to share any submitted information with other competent authorities in the defence sector to the extent needed to carry out the procurement.

The contracting authority may also share any submitted information with other competent authorities in the defence sector in connection with audits, controls and/or checks. The defence sector may also collaborate with competent official bodies in the State in which the candidate is established, subject to that body's agreement with the competent Norwegian authority.

The Contracting Authority may collaborate with third parties such as accredited laboratories, auditors, advisors, law firms etc to the extent the Contracting Authority finds necessary to promote due diligence and its rights and obligations under the contract.

3.15 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. Likewise, the Contracting Authority expects all participants to 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*, 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*. The candidate shall in its Appendix 7 – *Self-declaration*, confirm that it accepts and complies with the requirements therein and declare that they ban Russian companies.

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.

The contracting authority reserves the right to perform a financial due diligence (FDD) (including to request the candidate to obtain and submit credit statements or credit ratings from a credit agency) and/or an integrity due diligence (IDD) to verify the information provided by candidates and to examine whether there are any grounds for exclusion, cf. FOSA section 11-12. Any DD may be performed at any time throughout the procurement process.

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

4.2 Groups of economic operators (joint ventures, consortia, etc.)

A group of economic operators, e.g., in the form of a Joint Venture or consortium, may cooperate to submit a joint request to participate and a joint tender, cf. FOSA section 8-7 (1). Such a group of economic operators participating in the procurement procedure shall submit Appendix 3 *Form for groups of economic operators submitting a joint request to participate*, together with the request to participate, as well as the following documentation for each of the individual partners of the group:

- A certificate of registration in accordance with section 4.4.1
- A tax certificate in accordance with section 4.4.3.
- Appendix 7 – *Self-declaration* in accordance with section 4.7.

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

A signed cooperation agreement shall be submitted in the tender phase.

In connection with the submission of the request for participation, the candidates shall submit a declaration of obligation from one or more partners of the group (guarantors), ensuring that the group can rely on the capacity of these partners for the fulfilment of the qualification requirements in sections 4.4.3 to 4.4.4, cf. Appendix 2 *Declaration of Commitment from entities on which the candidate relies to fulfil qualification requirements*.

A group of economic operators may also, if necessary, rely on the capacity of other entities (third parties) to satisfy the qualification requirements in accordance with Section 4.3.

4.3 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 4.4.3 and 4.4.4.

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 4.4.3 and/or 4.4.4.

Supporting entities shall be legally established entities, and such entities must fulfil the requirements in section 4.4.1 and submit the documentation requested under these requirements. They shall also submit a tax certificate in accordance with the requirements in QR4, cf. section 4.4.3, as well as Appendix 7 - *Self-declaration* cf. section 4.7.

Where a candidate relies on the capacities of supporting entities with regard to the requirements in section 4.4.3 *Security of Supply*

No.	Qualification requirement	Documentation requirements
QR2	The legal ownership of the candidate must not represent a security risk for Norway.	The candidate must document its legal organization in the form of ownership structure and possible group affiliation. The requirement also applies to any sub-contractors who contribute to a significant fulfilment of the contract.

		<p>The requirement must be documented by complete company maps that show an overview of the ownership structure and group, with legally correct company names, organization numbers, and the state in which the various companies in the group are domiciled. The company map must include:</p> <ol style="list-style-type: none"> 1. Parent company and other shareholders (ultimate owner company ownership) 2. Subsidiary and sister companies and ownership of these companies (ultimate owner company ownership) <p>Listed companies must disclose at least their 10 largest shareholders.</p> <p>The documentation must be updated at the time of submission of the application.</p>
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Requirements Concerning the Candidate's Economic and Financial Standing Where a candidate relies on the capacities of supporting entities with regard to the requirements in section 4.4.4 relating to the educational and professional qualifications or relevant professional experience, cf. QR5 and QR6, the entities shall perform the service for which these capacities are required.

The candidates may not rely on the capacity of other entities to fulfil the requirements relating to organizational and legal position (section 4.4.1) and management systems (section 4.4.5). However, if the candidate relies on the capacities of supporting entities with regard to the requirements in QR5 and/or QR6 in section 4.4.4, these entities shall fulfil the requirements relating to management systems in section 4.4.5 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.

4.4 Pre-qualification Requirements

4.4.1 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.	<p>Current certificate of registration.</p> <p><u>For Norwegian candidates:</u></p> <ul style="list-style-type: none"> - Certificate of Registration (firmaattest) <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.</p> <p>If such registration is not required in the candidate's country of origin, the candidate shall submit a self-declaration that this is the case.</p>

4.4.2 Security of Supply

No.	Qualification requirement	Documentation requirements
QR2	The legal ownership of the candidate must not represent a security risk for Norway.	<p>The candidate must document its legal organization in the form of ownership structure and possible group affiliation. The requirement also applies to any sub-contractors who contribute to a significant fulfilment of the contract.</p> <p>The requirement must be documented by complete company maps that show an overview of the ownership structure and group, with legally correct company names, organization numbers, and the state in which the various companies in the group are domiciled. The company map must include:</p> <ol style="list-style-type: none"> 3. Parent company and other shareholders (ultimate owner company ownership) 4. Subsidiary and sister companies and ownership of these companies (ultimate owner company ownership) <p>Listed companies must disclose at least their 10 largest shareholders.</p> <p>The documentation must be updated at the time of submission of the application.</p>

4.4.3 Requirements Concerning the Candidate's Economic and Financial Standing

No.	Qualification requirement	Documentation requirement
QR3	<p>The candidate shall have the necessary economic and financial standing to perform the contract.</p> <p>The contracting authority may inter alia assess the equity, operating margin and liquidity ratio.</p>	<ul style="list-style-type: none"> - Board approved and audited Complete Annual Report, including notes with the board of directors' report and auditor's report, from the last three years. - A credit statement to verify the key figure(s) in QR 3 from the last three financial years from a recognized credit agency, no older than six months <p>If, for any valid reason, the candidate is unable to provide the requested documentation, it may prove its economic and financial standing by any other document which the Contracting Authority considers appropriate.</p> <p>If the Contractor relies on the financial capacity of other entities, the supporting entity shall sign a Parent Company Guarantee if applicable, or other warranty</p>

		(security), incl. bank guarantee, in the case that the Contractor is awarded the Contract.
QR 4	The Candidate shall have fulfilled its obligations relating to the payment of taxes in accordance with the legal provisions of the country in which it is established	<p>Tax certificate no older than 6 months form the date of submission.</p> <p>- <u>For Norwegian candidates</u> this means that a Certificate of tax and VAT, Form RF 1316 from Skatteetaten (skatteattest) shall be submitted.</p> <p>-<u>For foreign candidates</u> a certificate issued by the competent authority in the state concerned shall be submitted. If the state 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</p>

4.4.4 Requirements Concerning the Candidate's Technical and Professional Ability

No.	Qualification requirement	Documentation requirement
QR5	The candidate shall have experience from similar deliveries (volume and scope)	<p>Description of relevant assignments from the past five years. This would be including deliveries of Spatial Disorientation Simulators.</p> <p>All references shall be signed or otherwise confirmed and approved in writing by the Candidate.</p> <p>The description shall include the following information: A brief description of the delivery incl. technical readiness levels The value of the assignment The time at which deliveries was carried out The recipient</p> <p>Please note that the authenticity of which must be certified if the Purchaser so requests.</p>
QR6	The candidate shall have sufficient technical and professional ability/capacity to perform the contract.	<ul style="list-style-type: none"> - A description of the technicians or technical bodies involved, and whether or not they belong directly to the candidate - A description of the candidate's technical facilities - A description regarding support and service. Include whether service of the system is performed by own personnel or by use of a third party.

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4.4.5 Requirements Concerning Management Systems

Qualification requirement	Documentation requirements
QR7	<p>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.</p> <ul style="list-style-type: none"> - 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. - If the candidate does not have an accredited ISO 9001:2015 third party certification, the candidate shall fill out and send in the enclosed compliance matrix in appendix 11 <i>P2588 Compliance matrix</i> showing the relations between ISO 9001:2015, and the candidate's quality management system (see Information Explanation in the Compliance Matrix). - 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.

4.5 Submission of Requests to Participate

Request to participate shall be electronically submitted through Mercell 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, 4.7
5	Certificate of registration (firmaattest)	Section 4.4.1, QR1
6	If relevant, for foreign candidates, Certificate or other prove of authorisation	Section 4.4.1, QR1
7	Tax certificate	Section 4.4.3 QR4
8	Documentation on economic and financial capacity	Section 4.4.3, QR3 and QR4
9	Documentation on technical and professional qualifications	Section 4.4.4, QR5 and QR6
10	Documentation on management systems	Section 4.4.5, QR7
11	Redacted version of the request to participate	Section 3.14.2
12	List of redacted content	Section 3.14.2
13	Any other relevant documents	

4.6 Exclusion of Candidates

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

4.7 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 5.6.

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.

4.8 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 of rejection 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 consist of a supply contract and a Contractor Logistic Support (CLS) contract.

In the following subsections, particular conditions to which the performance of the contract will be subject are described. The description is not exhaustive.

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. The supplier shall further ensure that the intellectual property that may be generated by a sub-supplier reverts to the supplier so that the supplier can meet its obligations towards the contracting authority.

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 Security of information

The contract will specify the measures and requirements necessary to ensure the security of classified information.

The tender shall contain documentation as to the fulfilment of these measures and requirements in accordance with FOSA section 8-9.

The production and production lines will be limited to countries with whom Norwegian Authorities have bi- and/or multilateral defence and security co-operation with, and the personnel of the pre-qualified candidates/the successful tenderer may be required to, after the prequalification/for the performance of the contract, meet and obtain the necessary security authorisations and/or clearances at the following security level: NATO Confidential.

NDMA will not give information regarding with which countries NDMA has security agreements.

5.4 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).

5.5 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.

5.6 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 4.7.

5.7 Industrial Co-Operation

The Royal Norwegian Ministry of Defence (MOD) has decided that an industrial co-operation agreement will apply to suppliers and sub-suppliers located outside the European Economic Area (EEA).

For suppliers located outside the EEA:

An industrial co-operation agreement is required, in accordance with the Regulations for Industrial Co-operation related to Defence Acquisitions from Abroad (RIC), cf. Appendix 12.

For suppliers located within the EEA with sub-suppliers located outside the EEA:

An industrial co-operation agreement is required, in accordance with the Regulations for Industrial Co-operation related to Defence Acquisitions from Abroad (RIC), cf. Appendix 12 where the value of the sub-contract exceeds 50 million NOK. This requirement also applies if the supplier and sub-supplier belong to the same corporation.

Further information will be provided in the Invitation to Tender.

5.8 NATO Quality Assurance Requirements

The contract will include requirements for the supplier to comply with Allied Quality Assurance Publications (AQAP)

AQAP-2110 «NATO Quality Assurance Requirements for Design, Development and Production, Ed D, V1»,

AQAP-2105 «NATO Requirements for Deliverable Quality Plans», Ed. C V1

AQAP-2210 «NATO Supplementary Software Quality Assurance Requirements to AQAP2110, Ed A, V2”.

5.9 Main Terms concerning Financing and Payment

The procurement contract and CLS contract, will be structured as a firm fixed price contract, which will not be subject to any adjustments on the basis of the Contractor's incurred costs in performing the contract.

A parent company guarantee or a bank guarantee may be applicable for the procurement contract.

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 Spatial Disorientation Simulator, No. 2024036075.

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. Spatial Disorientation Simulator, No. 2024036075 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

Date

_____ , _____

Place, country

Signature by an authorized
person

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)
1.	Lead partner: Name: Address: Registration Number:	
2.	Partner: Name: Address: Registration Number:	
3.	Partner: Name: Address: Registration Number:	
4.	Partner: 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 FOA section 11-12 relating to the personal situation of the tenderer and that it:

- is not in any of the situations referred to in FOA section 11-12
- it is in the following situations referred to in FOA 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 Spatial Disorientation Simulator

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: