



**TENDER DOCUMENT**  
**FOR THE PROCUREMENT OF:**

**ELECTRIC MOBILE HARBOR CRANE FOR MOSS HAVN KF**

**Negotiated procedure above EEA threshold value - FOR-2016-08-12-975**  
**(Forsyningsforskriften)**

## Content

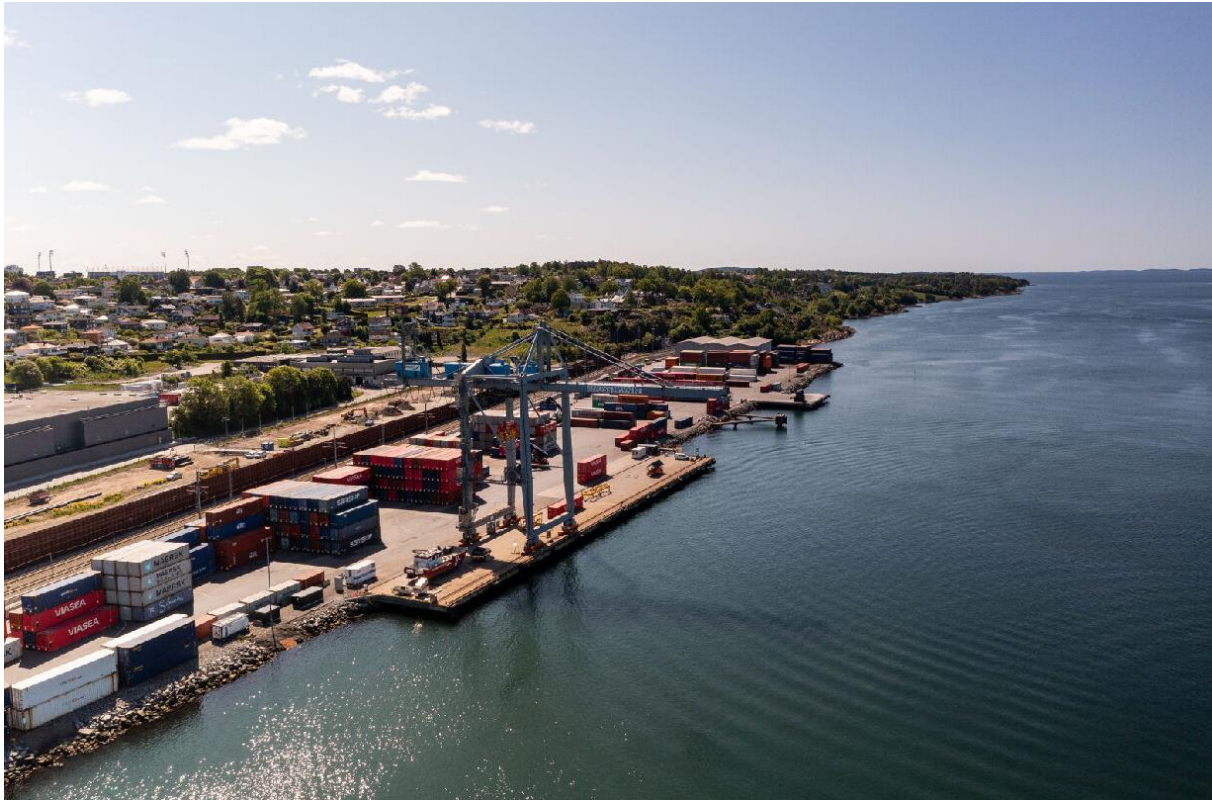
<b>1. Introduction .....</b>	<b>4</b>
1.1. About the contracting authority .....	4
1.2. Purpose and scope of the procurement .....	4
1.3. Reservations from the contracting authority .....	5
1.4. Type of contract .....	5
1.5. Publication of the procurement .....	5
<b>2. Rules for completion of the procurement .....</b>	<b>5</b>
2.1. Procurement procedure .....	5
2.2. Negotiations .....	5
2.3. Procurement documents .....	5
2.4. Language .....	6
2.5. Progress plan .....	6
2.6. Tender conference .....	7
2.7. Corrections, supplements and / or amendments to the procurement documents .....	7
2.8. Questions regarding the procurement .....	7
2.9. The supplier's participation costs .....	7
<b>3. Environment and sustainability .....</b>	<b>7</b>
<b>4. Confidentiality and public access .....</b>	<b>7</b>
4.1. Confidentiality .....	7
4.2. Public access .....	8
<b>5. Requirements to the qualification request .....</b>	<b>8</b>
5.1. Requirements to tenderers .....	8
5.2. European Single Procurement Document (ESPD) .....	9
5.3. Criteria for qualification .....	9
5.3.1. <i>Declaration of commitment</i> .....	9
5.3.2. <i>Requirements for tax certificate</i> .....	10
5.3.3. <i>Requirements for organisational and legal position</i> .....	10
5.3.4. <i>Requirements for economic and financial situation</i> .....	11
5.3.5. <i>Requirements for technical and professional qualifications</i> .....	11
5.4. Delivery of request to participate .....	12
5.5. Number of suppliers who are invited to submit tenders .....	12
5.6. Structure and content of the request .....	12
5.7. Withdrawal of the request .....	12
5.8. Rejection .....	12
5.9. Notification regarding qualified suppliers .....	12
5.10. Tender phase .....	13
5.11. Tender requirements .....	13
5.11.1. <i>Delivery on all or part of the tender</i> .....	13
5.11.2. <i>Alternative tenders</i> .....	13
5.11.3. <i>Parallell tenders</i> .....	13
5.11.4. <i>Subcontractors</i> .....	13
5.11.5. <i>Deviations or ambiguities</i> .....	13
5.12. The content of the tender .....	13

5.13.	Delivery of tender .....	14
5.14.	Withdrawal of tender .....	14
5.15.	Period of validity .....	14
5.16.	Rejection .....	14
<b>6.</b>	<b>Award criteria and evaluation .....</b>	<b>14</b>
6.1.	Award criteria .....	14
6.2.	Evaluation .....	15
<b>7.</b>	<b>Finalization of the procurement process .....</b>	<b>15</b>
7.1.	Notification regarding choice of supplier and standstill period.....	15
7.2.	Cancellation of the procurement process.....	16

## 1. Introduction

### 1.1. About the contracting authority

Port of Moss (Moss havn KF) is an efficient, environmentally certified and service-oriented main harbor. The harbor is located in the Oslo fjord and is one of the most significant container ports in Norway.



### 1.2. Purpose and scope of the procurement

The purpose of the procurement is the delivery of one mobile harbor crane with rubber-tired chassis and a single-lift spreader. In accordance with Moss havn KF strategi the crane needs to be operated by electricity both in operation and during transportation.

The crane will be handling container, general & project cargo and bulk and be located mainly at the dock "Klakkén", which is a very limited area in regard to square meters and dimensioning.

The purpose of the procurement is to increase efficiency in cargo handling and ensure optimal time slots for the customers, by increasing the ports capacity for cargo handling.

The final deadline for delivery is the end of the 4th quarter of 2026. Moss havn KF wants delivery as early as possible.

For further information on the scope and content of the procurement we refer to the contract documents.

### **1.3. Reservations from the contracting authority**

Reservations are made for changes in budget decisions, political guidelines or changes in the port's activities and organisation. The final budget decision regarding procurement of the electric mobile harbor crane is planned to be made the 10<sup>th</sup> of December 2024.

The contracting authority will give information on any changes due to budget decisions before the deadline for delivery of tender. The suppliers participate in the competition at their own risk based in these reservations.

### **1.4. Type of contract**

The contract template used is NL 17 E and will be entered into with one supplier.

### **1.5. Publication of the procurement**

The procurement was sent to Doffin / TED as stated in the progress plan in section 2.5.

## **2. Rules for completion of the procurement**

### **2.1. Procurement procedure**

This procurement is carried out in accordance with *Act of 17 June 2016 no. 73* on public procurement (herby anskaffelsesloven) and *Regulations of 12 August 2016 no. 975* on procurement rules in the by entities operating in the water, energy and transport and postal services sectors (herby forsyningsforskriften).

The procurement is carried out as a competition with negotiation following a prior announcement in accordance with forsyningsforskriftens parts I and II, cf. § 9-1. This procedure gives all interested suppliers the opportunity to submit a request to participate in the competition. Only those suppliers who are then invited by the contracting authority can submit a tender.

### **2.2. Negotiations**

Negotiations will be conducted in accordance with forsyningsforskriften §§ 19-7 and 19-11.

If Moss havn KF decides to have physical negotiation meetings these will be held either in Moss or Oslo.

The negotiations can take place in several phases of the competition, and the contracting authority reserves the right to reduce the number of tenders to be negotiated, cf. forsyningsforskriften § 19-12. An initial reduction can take place prior to the negotiations. The reduction will take place on the basis of the stated award criteria.

After the negotiation phase has ended, the contracting authority will do its assessment and choice of supplier based on the most recent submitted tender.

### **2.3. Procurement documents**

The procurement documents consist of this document, as well as appendices. A complete overview of all the documents is:

**Procurement documents that will *not* be a part of the contract:**

- Tender document (this document)
- Appendix A – Request form
- Appendix B – Tender form
- Appendix C – Declaration of commitment

The documents listed above contains procedures and framework that describe the execution of the procurement procedure until award of the contract, and forms and templates for use by the supplier when preparing the tender.

**Procurement document that will be a part of the contract:**

- Contract document NL 17 E
- Appendix 1 – The Buyer’s requirements
- Appendix 2 – Price matrix
- Appendix 3 – General Conditions NL 17 E\*

The documents listed above, will be a part of the contract, and contains requirements to the subject of the contract. The suppliers must base its tender on the requirements and conditions in these documents.

*\*The general conditions NL 17 E will not be attached in the electronic procurement system as distribution is not permitted. The suppliers are asked to contact the contracting authority through the electronic procurement system if there are any questions regarding the general conditions.*

**2.4. Language**

All written and oral communication in connection with this competition shall take place in Norwegian or English. The language requirement also applies to the tender itself.

**2.5. Progress plan**

The procurement will be completed in accordance with the following progress plan:

ACTIVITY	DATE
Sent to Doffin/TED	05.12.2024
Deadline to ask questions to the procurement documents (qualification request)	02.01.2025
<b>Deadline for delivery of request to participate in the competition</b>	09.01.2025 12:00
Evaluation of the qualification criteria’s	Week 2-3 of 2025
<b>Invitation to submit a tender</b>	17.01.2025
Deadline for asking questions to the procurement documents <i>tender part</i>	31.01.2025
<b>Deadline for delivery of tender</b>	11.02.2025 12:00
Evaluation of tender and negotiations	Week 7 – 10 of 2025
Award of contract	Week 10 of 2025

Waiting period	10 days after award of contract
Contract signing	After end of waiting period
<b>Period of validity</b>	90 days after the tender deadline

All deadlines after «request to participate in the competition» are temporary, except the period of validity.

## 2.6. Tender conference

It will not be held a tender conference / on-site inspection.

## 2.7. Corrections, supplements and / or amendments to the procurement documents

Within the tender deadline, the contracting authority may correct, supplement and/or change the procurement documents, as long as it's not essential.

Corrections, supplements and/or changes to the procurement documents will be published in the electronic competition system no later than 10 days before the tender deadline.

## 2.8. Questions regarding the procurement

Questions regarding the procurement documents must be asked within the deadlines in the progress plan, cf. section 2.5. Questions shall be asked through the system. The questions will be answered anonymously and made available for all the tenderers.

Technical support regarding use of the electronic procurement system shall be forwarded to [post@mercell.com](mailto:post@mercell.com) or through phone on + 47 22 30 90 05.

## 2.9. The supplier's participation costs

Costs incurred by the supplier in connection with the preparations, submission of request to participate, the tender or the procurement process in general, will not be reimbursed.

Participation will in no way oblige the contracting authority to enter into a contract with the supplier or involve the contracting authority in financial obligations.

## 3. Environment and sustainability

The procurement is covered by the regulation in forsyningsforskriften § 7-9. In this competition, climate and environmental considerations will be evaluated as a part of the award criteria.

## 4. Confidentiality and public access

### 4.1. Confidentiality

Information that the suppliers get to know throughout the competition and during a potential contracting period, must be confidential, and *not* made accessible for third parties / other people without explicit acceptance from the other part.

However, the duty of confidentiality is no more comprehensive than stipulated in the Norwegian Public Administration Act, cf. Act of 10 February 1967, or corresponding sector-specific regulation, as well as according to the Norwegian Freedom of Information Act, see section 7.2 below.

## **4.2. Public access**

Until a supplier has been chosen, access to information on tenders and to the procurement protocol can be refused, cf. Act of 19 May 2006 no. 16 on the right to access to documents in public sector activities (Freedom of Information Act) § 23.

Once a supplier has been chosen, tenders and the procurement protocol shall in principle be considered open to the public. There are however a few exceptions to the right to information as given in the Norwegian Freedom of Information Act. This includes the exemption from the right to information which is subject to confidentiality according to law or pursuant to law, cf. the Norwegian Freedom of Information Act § 13, cf. the Public Administration Act § 13. In the tender form, the supplier shall include an overview of the information they believe shall be kept from public access, as well as provide a signed self-declaration exempting the purchaser from all duties of confidentiality concerning information not explicitly identified by the supplier as being confidential.

In the event of a demand for access, the purchaser must still make an independent assessment of whether the information in question is of such nature that the purchaser is obliged to refuse access, cf. the Norwegian Freedom of Information Act § 29. As a part of the assessment, the purchaser will look at what information the supplier may believe must be considered a subject to confidentiality and the reasons given by the supplier.

The purchaser is obliged to follow the principle of enhanced access to information cf. the Norwegian Freedom of Information Act § 11.

## **5. Requirements to the qualification request**

### **5.1. Requirements to tenderers**

The tenderer must fulfil all the set requirements in this chapter, in order to participate in the competition. Tenderers who do not fulfil the requirements could be rejected from the competition and will consequently not be able to submit a tender.

Tenderer must deliver the European Single Procurement Document (ESPD), as well as the requested documents in the sections below.

To be able to be invited to submit a tender in this competition, the tenderer must fill out the European Single Procurement Document (ESPD). The tenderer may do this by filling out the ESPD-form electronically in the supplier portal.

The tenderer must in addition document that the qualification requirements are met in accordance with the listed documentation requirements.



The tenderer is responsible for submitting all documentation requested below as documentation for the requirements that have been set. Lack of documentation or incomplete information may lead to rejection of the supplier, cf. FOR § 20-2 (1) letter a.

## **5.2. European Single Procurement Document (ESPD)**

The European Single Procurement Document (ESPD) is a preliminary proof of documentation that the tenderer meets the qualification requirements and that there are no grounds for rejection.

In the ESPD form, the tenderer must provide a concluding statement that the tenderer meets all the qualification requirements in the procurement document. This statement must be given in the ESPD form Part IV section A.

The rules for rejection set out in forsyningsforskriften § 20-2 will apply for this competition, including the national grounds for rejection.

The following grounds for rejection in forsyningsforskriften § 20-2 are purely national grounds for rejection which the suppliers must answer in the ESPD-form part III section D:

- 20-2 (2). This section states that the contracting authority must reject a supplier when he is aware that the supplier has been legally convicted or has accepted a penalty for one of the given criminal offences. The requirement that the contracting authority must reject suppliers that have accepted a penalty for the specified criminal offences is a special Norwegian requirement.
- 20-2 (3) letter i. The grounds for rejection in the ESPD form only concern serious errors of professional conduct, while the Norwegian grounds for rejection also include other serious errors that may lead to doubts about the professional integrity of the supplier.

## **5.3. Criteria for qualification**

### **5.3.1. Declaration of commitment**

The supplier can choose to rely on other companies' capacity in order to fulfil the criteria to the supplier's economic and financial status or technical and professional qualifications. «Other entities» may be construed as parent company, cooperation partner, subcontractor or similar.

The supplier must in such case state the requirements for which he chooses to rely on a supporting company's capacity. In addition, the supplier must submit a procurement document (ESPD) completed by the companies he will rely on. When submitting the ESPD, the supporting companies confirm that the relevant requirements are met by the main supplier and the supporting company, jointly. In addition, the supporting companies confirm that they independently meet requirements 5.3.2 and 5.3.3. Furthermore, requirements for documentation on the fulfilment of the qualification requirements set out in point 5.3.2 apply.

Furthermore, the supplier must prove that he will have the necessary resources from the supporting company at his disposal during the contract period, by for example presenting a declaration of commitment, guarantee, cooperation agreement or similar.

### 5.3.2. Requirements for tax certificate

REQUIREMENTS	DOCUMENTATION
<p>The supplier shall fulfil obligations relating to the payment of taxes, VAT, or similar payments under the laws of Norway or the relevant state in which the supplier is established.</p>	<p>A tax certificate, no older than six months calculated from the deadline for delivery of the tender. A tax certificate shall be understood as:</p> <p><b>For Norwegian suppliers:</b></p> <ul style="list-style-type: none"> <li>• A certificate for tax and value added tax, issued by the tax collector's office</li> </ul> <p><b>For foreign suppliers:</b></p> <ul style="list-style-type: none"> <li>• Foreign suppliers must have corresponding certificates from their authorities documenting that they have complied with the rules and regulations relating to taxes, VAT, fees, duties etc. If the authorities do not issue applicable certificates, the suppliers shall submit a statement confirming that all such taxes have been paid. The statement shall be confirmed and signed by the supplier's chief financial officer and auditor.</li> </ul>

### 5.3.3. Requirements for organisational and legal position

REQUIREMENTS	DOCUMENTATION
<p>The supplier shall be a legally established company.</p>	<p><b>For Norwegian suppliers:</b></p> <ul style="list-style-type: none"> <li>• Company certificate of registration. For Norwegian suppliers, the purchaser obtains a company certificate from Brønnøysundregisteret. The Norwegian suppliers must therefore not submit a company certificate.</li> </ul> <p><b>For foreign suppliers:</b></p> <ul style="list-style-type: none"> <li>• Confirmation that the supplier is registered in a trade register or a register of business enterprise in accordance with the laws of the state where the supplier is established.</li> </ul>

#### **5.3.4. Requirements for economic and financial situation**

<b>REQUIREMENTS</b>	<b>DOCUMENTATION</b>
The supplier shall have sufficient economic strength to be able to fulfil the contract.	<p>The supplier's annual accounts including notes with the directors' report and auditor's report from the last three (3) years.</p> <p>If the annual accounts for the previous year have not been finalised by the expiry of the tender deadline for this request for tender, the preliminary annual accounts for the previous year shall be attached in addition.</p> <p>Purchaser reserves the right to obtain a credit rating from Experian.</p> <p>Economic strength is assessed according to turnover, net profit ratio, return on investments and liquidity ratio.</p> <p>For Norwegian suppliers, the purchaser obtains revised annual accounts from Brønnøysundregisteret. Norwegian suppliers must therefore not submit revised annual accounts.</p>

#### **5.3.5. Requirements for technical and professional qualifications**

<b>REQUIREMENTS</b>	<b>DOCUMENTATION</b>
The supplier shall have experience from performance of similar and related contracts.	<p>The supplier shall submit a list of up to three relevant contracts performed during the last 3 years in accordance with the information listed below:</p> <ul style="list-style-type: none"> <li>• Short description of the work performed under the relevant contract, including the name of the purchasing company/contractor</li> <li>• Time for performance of the contract.</li> <li>• The economic value of the contract scope.</li> </ul>
The supplier must have a documented <i>quality management system</i> .	<p>A description of the supplier's methods for quality assurance.</p> <p>If the supplier is certified in accordance with ISO 9001 or equivalent quality management system certification, it is sufficient to submit a copy of a valid certificate.</p>
The supplier must have a documented environmental management system.	<p>A description of the supplier's environmental management system.</p> <p>If the supplier is certified in accordance with ISO 14001 or equivalent environmental management system</p>

	certification, it is sufficient to submit a copy of a valid certificate.
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Requested documentation that the purchaser has previously received, does not need to be submitted again, cf. forsyningsforskriften § 12-1, cf. anskaffelsesforskriften § 17-1 (4).

#### **5.4. Delivery of request to participate**

The request to participate shall be submitted in the supplier portal at the latest by the deadline for delivery of the request to participate stated in section 2.5. Requests submitted by e-mail will be rejected.

#### **5.5. Number of suppliers who are invited to submit tenders**

All suppliers who fulfil the qualification requirements will be invited to submit a tender.

#### **5.6. Structure and content of the request**

The request to participate must include the following documentation:

- Completed request form (Appendix A)
- Electronically completed European Single Procurement Document (ESPD)
- Documentation on criteria for qualification
- Completed declaration of commitment (Appendix C) where applicable

#### **5.7. Withdrawal of the request**

The request may be withdrawn or changed prior to the deadline. Withdrawal is done in the supplier portal. Any changes made to the request to participate, will be considered as a new request.

#### **5.8. Rejection**

The rules for rejection set out in forsyningsforskriften section 20 will apply for this competition. The supplier is advised to become familiar with these rules. The supplier is asked to disclose if they have accepted a writ regarding any of the punishable offenses listed in forsyningsforskriften § 20-2 (2), second paragraph.

#### **5.9. Notification regarding qualified suppliers**

The contracting authority will inform all the suppliers in writing if the request to participate is rejected or not found good enough for the supplier to be allowed to submit a tender in the procurement process.

The notification will include the reason why the supplier is not considered to be qualified, or why the supplier was not successful in the qualification round, cf. forsyningsforskriften § 12-7.

The purchaser reserves the right to reject from participation in the competition any company that is not the rights holder under section 3 of the Public Procurement Act.

A petition for a preliminary injunction against the purchaser's decision to refuse or reject a request to participate in the tender must be presented to the district court within 15 days

calculated from the day after the purchaser's notification was sent, cf. forsyningsforskriften § 16-5.

## **5.10.Tender phase**

### **5.11.Tender requirements**

**NB!** This section is only applicable for the qualified suppliers who have received an invitation to submit a tender.

#### ***5.11.1. Delivery on all or part of the tender***

Tenders for parts of the scope of this delivery will not be accepted.

#### ***5.11.2. Alternative tenders***

Submittal of alternative tenders will not be accepted.

#### ***5.11.3. Parallell tenders***

Submittal of parallel tenders will not be accepted.

#### ***5.11.4. Subcontractors***

If the supplier wants to use subcontractors, the supplier must inform about the names of the subcontractors, which tasks the subcontractors will be performing and how large a part of the contract that will be assigned to the subcontractors. The purchaser reserves the right to overrule the choice of subcontractor. Any financial claims from the subcontractors or costs in this regard shall be borne by the subcontractor.

#### ***5.11.5. Deviations or ambiguities***

Deviations must be stated precisely and unambiguously, so that the purchaser can evaluate the tender without contacting the supplier. Deviations must in a clear and unmistakable way refer to the relevant annexes and sections of the tender document and shall be stated in the tender form.

The supplier must clearly state the consequences of any deviations for the performance, price and/or other aspects of the tender.

The purchaser points out that any deviations from the tender documents can give the purchaser a right and/or an obligation to reject the tender. The supplier risks being rejected from the competition by submitting a tender that deviates from the tender documents.

If the reason why the supplier is considering including deviations in the tender are points of uncertainty in the tender documents or similar, the purchaser recommends that the supplier try to clarify the points of uncertainty through the question/answer function in the supplier portal in advance of the submission of the tender instead of submitting a tender with deviations.

## **5.12.The content of the tender**

Complete tender shall include the following documentation:

- Completed tender form (Appendix B)

- Documentation of award criteria
- Other relevant documents

### 5.13. Delivery of tender

The tender shall be submitted in the supplier portal at the latest by the tender deadline.

The tender deadline is final. The purchaser recommend that the supplier uploads the tender documents well in advance of the tender deadline, to avoid technical problems. Uploaded tenders can be changed and resubmitted until the tender deadline. The last submitted offer is considered the final.

Tenders submitted too late will be rejected.

### 5.14. Withdrawal of tender

A tender may be withdrawn or changed prior to the tender due date. Withdrawal is done in the supplier portal. Any changes made to the tender, will be considered as a new tender.

### 5.15. Period of validity

The tender must be valid until the time specified in section 2.5.

### 5.16. Rejection

The rules for rejection as set out in forsyningsforskriften chapter 20 applies for this competition. The supplier is advised to become familiar with these rules.

The purchaser reserves the right to annul the award decision before signing the contract if the purchaser becomes aware of circumstances that give the right or obligation to reject the selected supplier.

## 6. Award criteria and evaluation

### 6.1. Award criteria

The contract is awarded to the supplier that has the best ratio between price and quality.

AWARD CRITERIA	DOCUMENTATION	WEIGHT %
<p><b>Quality and functionality</b></p> <p>Under this criterion, the purchaser will evaluate the following based on the documentation of the A*- and D-requirements in Appendix 1 – The Buyer’s requirements section 3. Requirements:</p> <ul style="list-style-type: none"> <li>- Functionality and technical requirements (25 %)</li> <li>- Operators Cabin (25 %)</li> </ul>	<p>The supplier shall submit the following:</p> <p>Completed Appendix 1 – The Buyer’s requirements section 3. Requirements.</p>	<p>35</p>

<ul style="list-style-type: none"> <li>- Requirements for equipment (10 %)</li> <li>- Surface treatment and exterior surfaces (10 %)</li> <li>- Delivery, installation and training (10 %)</li> <li>- Maintenance, service, and support (10 %)</li> <li>- General requirements (10 %)</li> </ul>		
<p><b>Environmental requirements</b></p> <p>Under this criterion, the purchaser will evaluate the documentation of the A*- and D-requirements in Appendix 1 – The Buyer’s requirements section 4. Environmental requirements</p>	<p>The supplier shall submit the following:</p> <p>Completed Appendix 1 – The Buyer’s requirements section 4. Environmental requirements.</p>	<p>30</p>
<p><b>Total price</b></p>	<p>The supplier shall submit the following:</p> <p>Completed Appendix 2 – Price matrix</p> <p>All prices shall be stated in EURO exclusive VAT.</p>	<p>35</p>

## 6.2. Evaluation

In this competition, the purchaser will use an evaluation model that scores price and quality. The supplier who achieve the highest total score in the evaluation, wins the competition.

The lowest price in the competition will be the reference point for the remaining offers which will be distributed linearly according to the formula  $(6 * (1 - (\text{Offered price} - \text{Lowest price}) / \text{Lowest price}))$ . Offers with prices that are more than double the best price or higher receive 0 points.

On the qualitative criteria, a score from 0-6 will be given for the individual sub-criteria. 0 point will correspond to no answer, while 6 points will be given to very good answers. The best tender on each sub-criteria will be adjusted up to 6, while the competing tenders will receive a proportionally adjusted score.

## 7. Finalization of the procurement process

### 7.1. Notification regarding choice of supplier and standstill period

The purchaser will simultaneously notify all suppliers in writing, of the decision to award the contract to a named supplier as soon as a choice of supplier has been made.

The notification will include a reason for the choice and specify the standstill period from when the award is notified until contract signing is planned to be carried out (the formation of contract).

If the purchaser finds that the decision to award the contract is not in accordance with the award criteria, the decision may be annulled until the time when the contract has been entered into.

## **7.2. Cancellation of the procurement process**

The purchaser reserves the right to cancel the procurement process if there are factual grounds, cf. forsyningsforskriften § 21-4.