

Tender Document 12/2010

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

for purchasing of

LC-MS/MS and MALDI-TOF

for delivery to

Forsvarets forskningsinstitutt (FFI)
Norwegian Defence Research Establishment

June 10th 2010

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1 GENERAL DESCRIPTION

1.1 The customer

Forsvarets forskningsinstitutt (the Norwegian Defence Research Establishment, hereafter named FFI) is a civilian institution of research directly answerable to the Norwegian Ministry of Defence. The establishment has 660 employees, of whom 450 are research scientists and engineers who are engaged in the development of technology and expertise to enable Norway to maintain a modern and effective national defence. FFI is a multidisciplinary enterprise covering such fields as mathematics, physics, information technology, chemistry, biology, medicine, psychology, political science and economics. It is located at Kjeller near Lillestrøm, and also has a smaller division at Horten. For more information, please see our internet web pages www.ffi.no.

1.2 Objective of the procurement

FFI is interested in acquiring two instruments, a Liquid chromatograph – Tandem Mass spectrometer (LC-MS/MS) and a Matrix Assisted Laser Desorption Ionization – Time of flight analyzer (MALDI-TOF).

The objective of this procurement is to provide FFI with an LC-MS/MS for analysis of chemicals, toxins and metabolites related to chemical warfare agents and a MALDI-TOF for analysis of microorganisms.

More information about the procurement, with technical requirements, are specified in point 4 in this document and in Annex A and B.

1.3 Size of procurement and value of contract

The total budget for the two instruments are approx. NOK 3.000.000,- exl VAT. The purchase is subject to budgetary coverage and if the tender prices exceed our budget limits it may lead to buy only one instrument.

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

1.4 Composition of the tender document

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

1. Technical requirements for LC-MS/MS, matrices to fill in (Annex A)
2. Technical requirements for MALDI-TOF, matrices to fill in (Annex B)
3. General Purchase Conditions, Form 5052 (March 2008) (Annex C)

1.5 Announcement of contract notices/invitation for tenders

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

1.6 Site visits/vendor orientation conferences

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

1.7 Analysis of delivered samples (LC-MS/MS)

The Tenderer for the LC-MS/MS must be able to analyse at least three samples for containing various chemicals related to chemical warfare agents and peptides (applicable to the LC-MS/MS instrument). All samples will be of non-toxic character. See point 4.3 in this document for more information.

1.8 Other information

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

1.9 Corrections, supplementary information, or changes to the tender document

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

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

1.10 Progress schedule

The customer has established the following timescale for the process:

Task	Target dates
Announcement of invitation to submit tenders in DOFFIN and TED	10 June 2010
Deadline for submission of tenders	28 July 2010 by 1200 p.m.
Deadline for analysing the delivered samples	1 September 2010
Opening of tenders	28 July 2010 by 1200 p.m.
Evaluation of submitted tenders	Week 30 to 37, 2010
Possible meetings for purposes of clarification	Weeks 30 to 37, 2010
Awarding of contract and notification to other tenderers	Mid September 2010
Disputes – deadline for submission of tenderer complaints	Late September 2010
Signing of contract	Late September 2010

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

2 RULES FOR THE SUBMISSION OF TENDERS

2.1 Procurement procedure

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

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

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

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

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

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

2.2 Language

All written and oral communication with regards to this competition shall be in Norwegian or English.

2.3 Merzell Sourcing Service's Purchasing Tool (KGV)

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

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

2.4 Qualification requirements

The supplier must fulfil the qualification requirements for participation in the selection process in the competition:

Documentation of the qualification requirements is added under "Kvalifikasjonskrav" in Merccell and answered as described under pkt 3 "Qualification Requirements" in the Tender Document.

To be qualified for participation in the competition all the requirements must be answered with "Ja" and valid documentation must be attached.

2.5 Formulation and submission of the tender document

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

Bids should be submitted through the Merccell Purchasing Tool (KGV).

The following files should be attached to all bids:

- Formal written letter of tender providing a short description of the vendor/supplier and a accept of the terms of the purchaser's tender document
- Price according to the specification of the requirements. It can also be included in the letter of tender.
- Eventually other attachments or technical documentation. Fulfilment of specification requirements. Description of how the offered goods/service fulfils each point of customer's specifications and requirements.

The letter of tender shall also include

- Reference to the tender document number and title.
- The vendors address, telephone/fax number and VAT number
- Contact person at the vendor with telephone number and e-mail address
- Accept of all terms applied in the tender document. Any reservations shall be listed in the letter of tender with reference to the actual point in the tender document.
- The tender document shall be dated and signed by a person which have power to commit the company.

Bidders should address all questions, requirements and clarification points requested in point 4 "Specifications of requirements" in the tender document.

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

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

2.6 Electronic signature

In this connection there will be asked for electronic signature for validation of the identity of the supplier. Electronic signature can be provided from www.commfides.com, www.buypass.no or www.bankid.no. We call attention to that it may take some weeks to receive electronic signature.

Suppliers who download tenders after the tender due date will be rejected.

Merccell Kundesenter, tlf +47 21 01 88 60 will assist suppliers who need technical support regarding the Merccell tool or electronic signature.

2.7 Confidential information

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

2.8 Client Confidentiality

FFI and its employees are obliged to prevent that persons not concerned are admitted access or knowledge to information concerning technical arrangements, procedures, management or business matters that for security reasons should be kept secret. cf. FOA § 3-6, jf. forvaltningsloven § 13.

2.9 Use of FFI name for marketing purposes

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

2.10 Deadline for submission

The deadline for submission of tenders is set for Wednesday 28 July 2010 by noon (1200 p.m.). Late tenders will be rejected.

2.11 Exceptions and deviations

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

The same terms apply to deviations. Exceptions and deviations should be formulated precisely and clearly so that the purchaser can assess them without having to contact the supplier. Exceptions and deviations should refer to the relevant point in the tender document and should be specified and discussed in a separate enclosure (see point 2.5.). Exceptions and deviations of a substantial nature will result in the tender being refused.

2.12 Disclosure requirements

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

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

Suppliers may make a written request for:

- Why the tender was refused or rejected.

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

2.13 Subcontractor

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

2.14 Alternative offers

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

2.15 Partial bids

FFI seeks bids for either one or both instruments.

2.16 Validity of offer

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

2.17 Withdrawal of tender and/or changes

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

3 QUALIFICATION REQUIREMENTS

The separate points in the qualification requirements in the suppliers start menu is answered in the following way :

- Choose "Ja" from the drawdown menu to the question: Er du kvalifisert? (Are you qualified?)
- Attach necessary documentation to the qualification requirements.
- Eventually give your comments to the requirements and answers in the writing area to the left.

3.1 Vendor's organisational and juridical position

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

3.2 Mandatory requirements

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

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

3.3 Vendor's economic and financial position

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

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

3.4 Vendor's technical and professional qualifications

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

4 SPECIFICATION OF REQUIREMENTS AND ASSIGNMENT CRITERIA

4.1 Prices

LC-MS/MS

Price for the basic instruments.

Option price for the nitrogen generator.

Prices for installation, training, support, service, spare parts etc as described in Annex A.

MALDI-TOF

The Tender should include a price of the whole system integrated (MALDI-TOF MS instrument, required software and available databases) and a differentiated price of each individual component.

Prices for installation, training, support, service, spare parts etc as described in Annex B.

Please give us the prices for each instrument and a total price for both instruments if applicable.

The prices shall be fixed for 90 days from the tender due date and not subject to changes due to later currency amendments in that period.

4.2 Specification of technical requirements

See the attached specification of technical requirements (Annex A and B).

The Tender must include a guarantee that if a newer version of the instrument (or part of the instrument) in the same class is introduced on the market before the agreed delivery date, FFI shall have the right to have the newer version of the instrument delivered.

For confirming the technical quality of the instruments FFI will reserve the right of contacting laboratories where instruments that meet the specified criteria are installed and are in use. The feedback from such laboratories will be considered as important factors when deciding on which instrument type to purchase.

4.3 Analysis of delivered samples (LC-MS/MS)

The Tenderer of LC-MS/MS must be able to analyze at least three samples for containing various chemicals related to chemical warfare agents and peptides (applicable to the LC-MS/MS instrument).

All samples will be of non-toxic character. The Tenderer has to contact FFI via the Merrell system with information of their address for delivery of samples.

4.4 General Purchase Conditions

General Purchase Conditions, Form 5052 (March 2008), of The Armed Forces of Norway will be applied in this competition.

4.5 Assignment criteria

FFI will award the contract to the Tenderer who submits the most economic advantageous Tender based on the following criteria set up in the Evaluation weighting base:

Evaluation weighting base	Weight LC-MS/MS	Weight MALDI-TOF
Cost of procurement	50 %	60 %
Technical specifications and documentation	30 %	40 %
Analysis of delivered samples (LC-MS/MS)	20 %	

4.6 Rights of use and ownership and vendor responsibility

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

5 PROCESSING OF SUBMITTED TENDERS

5.1 Registration of tenders

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

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

Tenderers of rejected bids will receive written notification thereof.

5.2 Opening of tenders

The opening of tenders will not be public.

5.3 Rejection of tenderers

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

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

- bankruptcy, if the company is in receivership or in the process of liquidation, suspension of business operations or in the process thereof according to national laws and regulations;
- petitioning for bankruptcy, initiation of debt settlement procedures or compulsory dissolution of the enterprise according to national laws and regulations;

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

5.4 Rejection of tenders

A tender will be rejected if:

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

A bid may be refused if:

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

Before an offer is rejected because it seems abnormally low, the customer shall make written request for relevant information about individual components of the bid and check this against the presentation that has been given. The customer may consider factual explanations such as savings in production costs, technical solutions, or unusually favourable conditions made possible by new development.

6 DECISION ON AWARDING OF CONTRACT

6.1 Cancellation of the invitation for tenders and rejection of all bids

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

6.2 Information and basis for award of contract

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

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