

Tender Document 44/2013

Open tender according to Part I and II of the regulations
for procurements below the EEA threshold values

for purchase of

Adiabatic Calorimeter

for delivery to

Forsvarets forskningsinstitutt (FFI)
Norwegian Defence Research Establishment

6th december 2012

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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 700 employees, of whom 500 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 maintains a capability to perform abusive characterization of electrical cells and batteries, and conducts a wide range of scientific and application-related studies of electrical and thermophysical properties. FFI has a need for an Adiabatic Calorimeter to upgrade and expand our measurement capabilities.

FFI intends to purchase an Adiabatic calorimeter to serve in different measurement setups. The following is a brief description of our requirements: The calorimeter must be able to

- In general measure the onset temperature of exotherms and in particular the onset temperature of thermal run aways as well as the related pressure change. Additionally the ARC should be able to track the exotherms.
- Collect the evolved gases during the experiment for further analysis
- Handle a range of test objects; from 18650 format cells to 6T format batteries
- Represent the synchronized data in an intuitive way as well as store them in format compatible to Excel, Matcad and Matlab, e.g. as csv-file for further analysis.

Optionally the ARC should be able to measure and calculate the heat capacity of the test object as well as automatic video recording of the experiment and equipped for nail penetration test. Additionally it should be able to run as a remote desktop from a Windows 7 64-bit PC. More information about the procurement, with technical requirements, are specified in point 4 in this document and in Annex A.

1.3 Size of procurement and value of contract

The estimated value of this procurement is expected to lay under the threshold for EEA announcements; hence the decision to follow the regulations in Part II of the "Regulations on Public Procurement".

The purchase is subject to budgetary coverage

1.4 Composition of the tender document

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

1. Technical requirements for calorimeter, (Annex A)
2. General purchase conditions, BI 5052 (march 2008) (Annex B)

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. In addition certain suppliers will be notified.

1.6 Site visits/vendor orientation conferences

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

1.7 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 Mercell Sourcing Service's Procurement Tool, KGV (Norwegian, "*Mercell Konkurransgjennomføringsverktøy*").

1.8 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 through the Mercell Procurement Tool (KGV).

1.9 Progress schedule

The customer has established the following timescale for the process:

Task	Target dates
Announcement of invitation to submit tenders in DOFFIN	9 December 2013
Deadline for submission of tenders	13 December by 09:00 a.m.
Opening of tenders	13 December 09:00 a.m.
Possible meetings for negotiations	N/A
Evaluation of submitted tenders	13 December 9:30 a.m
Awarding of contract and notification to other tenderers	13 December
Disputes – deadline for submission of tenderer complaints	10 days after awarding of Contract
Signing of contract	30 December

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 II of the Regulations (under the EEA threshold value). The type of procurement is "Purchase of goods" and negotiations are permitted.

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.

Tenderers are recommended to give their best offer within the specified closing date of the competition, but FFI reserve the right to negotiate with one or more of the tenderers on price, delivery time or other conditions affecting the competition.

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 Merzell support, e-mail support@merzell.no or phone no +47 21 01 88 60 with questions.

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 Merzell 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 Merzell 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 an accept of the terms of the purchaser's tender document
- Price according to the specification of the requirements (see specification in Annex A). 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 who has 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.comfides.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.

Merzell Kundesenter, tlf +47 21 01 88 60 will assist suppliers who need technical support regarding the Merzell 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 Deadline for submission

The deadline for submission of tenders is set for **13 december 2012 09.00 a.m.** Late tenders will be rejected.

2.10 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.

2.11 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.

2.12 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.

2.13 Alternative offers

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

2.14 Validity of offer

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

2.15 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..

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 for previous comparable system delivered in within the last 3 years. The list shall include the time the system was delivered and contact name and telephone of a reference person in the firm commissioning the contract and to whom the delivery was made.
The vendor should have a functional 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 Specification of technical requirements

The calorimeter will be used for analysis of a wide range of electrical cells and batteries. Examples of common cells and batteries are Lithiumion, Lead Acid and Nickel Metalhydrid. Typically, the response to abusive conditions will vary from minor exotherms to thermal runaway. This means that the resolution and the sensitivity of the temperature and pressure measurements must be good. Additionally the tracking rate must comply with both extremes. Additional specifications of the requirements are given in Annex A.

In addition to the measurements mentioned in the above paragraph, the measurement and calculation heat capacity is of interest as well as automatic video recording of the experiments. Thus, the tender must give a quote on a calorimeter, but may also choose to give a quote on calorimeter equipped with the capacity to do heat capacity measurement and calculation as well as video recording.

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 to contact laboratories where instruments that meet the specified criteria are installed and are in use. The feedback from such laboratories may be considered as important factors when deciding on which instrument to purchase. Such an assessment of the quality of the Tender is not identical or a repetition of the assessment of the qualification requirements of the supplier.

FFI reserves the right to both accept and deny offers that deviate from the technical requirements.

4.2 Prices

Prices should be given in accordance with requirements in Annex A. 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.

4.3 Delivery time

Delivery of the calorimeter before the end of Mars 2013 would be highly preferable.

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 advantageous tender based on the following criteria set up in the Evaluation weighting base:

Evaluation weighting base	Weight
Technical specifications and documentation	50 %
Cost of procurement	40 %
Delivery time	10 %

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.