

Tender document

**Competition of the Public Procurement Act and the
Regulations relating to public procurement part I
(below NOK 500.000)**

for

CEER Work Program 2017/Consultant

Reference number:
201400819

Submission date:
23.12.2015
12:00 p.m.

Contract period:
1.2.2016- 31.12.2016

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1 GENERAL DESCRIPTION

1.1 *Client*

The Norwegian Water Resources and Energy Directorate (NVE) is the Norwegian Energy Regulator. NVE's mandate is to ensure an integrated and environmentally sound management of Norway's water resources, promote efficient energy markets and cost-effective energy systems and contribute to efficient energy use.

For more information about NVE, visit our website www.nve.no

1.2 *General introduction*

The Norwegian Water Resources and Energy Directorate (NVE) has the pleasure to invite interested consultancy firms to submit proposals for consultancy assistance on the preparation of the Council of European Energy Regulators (CEER) Working Programme for 2017.

The full description of the Assignment is given in the enclosed Project Description (Annex 1).

The contract will have a budget ceiling of EUR 20.000, exclusive VAT and inclusive travelling expenses. Proposals exceeding the budget will be rejected. Please note that the cost of preparing the proposal will not be reimbursable under the contract.

1.3 *Partial Tenders*

Partial tenders will not be accepted.

1.4 *Period of contract*

The services shall be carried out from 01.02.2016 - 31.12.2016.

1.5 *Announcement*

The competition document is announced in the MERCELL – database.

1.6 Time schedule

Preliminary time schedule for the process:

Activity	Time
Announcement in Merccell	07.12.2015
Submission deadline	23.12.2015
Duration of tenders commitment	One month after submission deadline
Evaluation	Week 1-2 in 2016
Selection of bid and information to bidders	Week1-2 in 2016
Deadline for filing complaints	7 days after selection of bidder
Signing of contract	After deadline for filing complaints

Dates after submission are tentative.

2 COMPETITION RULES

2.1 Procedure

Competition of the Public Procurement Act of 16 July 1999 No. 69 as amended, see also the Regulations relating to public procurement, laid down by Royal Decree on 7 April 2006 No 402. This type of procedure does not allow for contract negotiations. Only bidders that fulfil the qualification requirements will have their tenders evaluated. Bidders are not allowed to change the tender after the submission deadline.



2.2 Secrecy

The Client shall treat all bids and their contents in line with the Norwegian Public Administration Act § 13 and Royal Decree on 7 April 2006 No 402, concerning secrecy.

2.3 Confirmation of interest

Follow guidance given in the Merccell-database.

2.4 Communication during the tender process

All communication during the process shall be routed via the Merccell-portal, **www.merccell.no**. This is to assure that all communication will be logged. When you are logged on to the competition, chose the flag marked "Communication", click on the symbol  "New message". Enter the information to the authority and then click send . The authority will then receive your message. If the question regards all bidders, the authority will answer the inquiry anonymously by giving the answer as additional information. Additional

information is available under the flag “Enquiry”, then the flag “Additional information”. You will also receive an e-mail with a link to the additional information.
Requests received later than 5 working days prior to the deadline for the offer, will not be answered.

2.5 Supplements or changes to the tender documentation

The Client reserves the right to supplement or change the tender documentation before the deadline for presenting tenders. If the changes are of a nature materially changing the scope of work or other important aspects, an extension of deadline, will be announced.
Any changes in the tender documentation, will be published on in the Merccell-database. The changes will take precedence over previous versions of the tender documentation.
If the supplier becomes aware of lack of information or ambiguities in the tender document that may affect the implementation of the assignment (pricing etc.), the Client shall be made aware of this immediately.

2.6 Cancellation of competition

The Client may cancel the competition or reject all bids if adequate reasons exists.

2.7 Sub-contractors

There shall be one main contractor responsible for the assignment. The main contractor may use sub-contractors for parts of the assignment. In such case, the tender shall include information regarding which sub-contractors will be used for which parts of the work.

If the Consultant intends to sub-contract any part of the assignment, the Client will require documentation of the agreement, either in the form of a signed letter of intent, or a copy of a signed contract between the Consultant and any sub-contractor.

The main contractor is fully responsible to the Client for the sub-contractors engaged and for committing them contractually to fulfil the requirements in the standard agreement.

3 QUALIFICATION REQUIREMENTS

Requirement	Supporting documentation
Supplier shall have a functioning HSE system	HSE self-declaration. See uploaded document in Merccell. The certificate shall not be older than 6 months.
If the supplier is a company, proof of establishment must be submitted.	Norwegian companies: Company registration certificate. Foreign companies: Confirmation that the company is registered in a trade or business register as prescribed by the law of the country where the supplier is established.
The supplier must be able to deliver electronic invoices to NVE (Electronic Trading Format EET)	Confirmation from the supplier. For further information, see http://www.anskaffelser.no/e-procurement

3.1 *Company requirements*

Information and formalities necessary for evaluating if the requirements are met:

The supplier shall have experience from a minimum of 3 similar contracts.

Documentation requirement:

- Brief presentation of the background, experience, capability and capacity of the firm and any sub-consultants with respect to relevant similar assignments. (Maximum 4 pages, further pages will not be considered in the evaluation).
- Reference assignments (min 2 and max 4 assignments and max. one A4-page for each assignment further pages will not be considered in the evaluation).

4 SELECTION CRITERIA

The selection will be based on the following criteria:

Criteria	Weight	Documentation requirements
Financial proposal	10%	<p>Project ceiling amount shall be EUR 20.000.</p> <p>Complete Financial proposal shall include:</p> <ul style="list-style-type: none"> • Fee rates of all personnel • Specified budget with input of all personnel and other expenses (travels, equipment etc). • Financial Proposals shall be denominated in EURO.
Technical proposal	90%	<p>The Technical Proposal shall include, but not necessarily be limited to:</p> <ul style="list-style-type: none"> (i) Comments on Project Description (Maximum 3 A4-pages further pages will not be considered in the evaluation) (ii) Description of Methodology and Work Plan (iii) List of personnel with input (man-hours) and role in the assignment. (Maximum 2 pages). CVs of all personnel. Each reference assignment listed shall include role and duration in man-months. (Maximum CV length strictly 4 A4-pages - further pages will not be considered in the evaluation)

The technical proposal score will be based on the following weighting:		
		<u>Weighting</u>
i)	Understanding of the assignment	30
ii)	Description of Methodology and Work Plan	20
iii)	<p>Consultant(s)</p> <p>Competence for position/content and relevant experience from similar engagements. In depth knowledge of the CEER structure and working methods. Extensive working experience with European energy regulators. Excellent level on spoken and written English.</p>	50
	Total points for the three criteria	100

5 SUBMISSION OF TENDER

All tenders shall be submitted electronically via the Mercell portal, **www.mercell.no** by the tender deadline. Tenders delivered after the deadline will not be accepted. (The system does not permit tenders to be sent electronically via Mercell after the tender deadline.)

If you are not a Mercell customer, or you have questions regarding how the application functions, e.g. how to submit a tender, please contact Mercell Support at tel +47 21 01 88 60, or by e-mail to support@mercell.com. It is recommended to submit the tender in adequate time before the deadline. A minimum of 1 hour before the deadline is suggested.

If the authority should provide additional information that results in you wanting to change your tender before the deadline, you can access your offer, open it, make the necessary changes and send it again right up to the deadline. The last submitted tender will be regarded as the final one.

The tender requires an electronic signature when it is submitted. When sending the tender electronically, an electronic signature will be requested to confirm that you are the actual bidder who has submitted the tender. An electronic signature can be obtained at www.commfides.com, www.buypass.no or www.bankid.no.

We would like to remind you that it can take some days to acquire an electronic signature, and therefore recommend that this process be initiated as soon as possible.

The request for qualification shall be structured according to the structure presented below, accompanied with a signed cover letter.

The supplier is solely responsible for answering all questions and that all criteria are answered and/or reviewed.

The application shall have the following structure:

1. Acceptance of terms. If the supplier has reservations regarding parts of the tender documentation, required specifications or other tender documents, it shall be clearly stated in the qualifying application. Any reservations must be specified, including consequences for performance, prices or other conditions.
The same applies to non-conformity. Reservations and non-conformities shall be stated precisely and unambiguously. They shall be stated in the bid letter in such a manner that the contractor can evaluate them without it being necessary to contact the supplier, cf. Section 20-3 of the Public Procurement Act. Substantial reservations, and reservations or non-conformities that can result in uncertainty regarding evaluation of the bid compared to other bids, will result in the bid being disallowed, cf. Section 20-13(1) of The Public Procurement Act.
If the supplier's reference to standardized terms of delivery, or something similar, deviates from existing tender or contract provisions, it will be regarded as a reservation.
2. Tax- documentation (payment of in-come tax)
3. Tax- documentation (payment of VAT)
4. HSE-self declaration form
5. Documents proving fulfilment of the Qualification Requirements.
6. Documents proving fulfilment of the Selection Criteria (bid).
7. Documentation of contracts/agreements with sub-contractors
8. Self declaration form on salary and working conditions

Annex 1 - Project specification

CONSULTANCY SERVICES

Assistance to the Norwegian Water Resources and Energy Directorate (NVE) to the preparation of the Council of European Energy Regulators (CEER) Working Programme for 2017

The General Assembly of the Council of European Energy Regulators (CEER) has nominated NVE to lead the work on the preparation of the CEER Work Programme for 2017. NVE therefore invites consultancy firms to submit proposals and participate in fulfilling the responsibilities regarding the CEER Work Programme for 2017.

It will be necessary to ensure that the proposed draft Work Programme receives the full support of regulators and in particular of the CEER General Assembly and the working group chairs. The process for the development of the Work Programme will therefore be an inclusive one.

The broader context of the development of the 2017 Work Programme is that CEER previously has been undergoing a period of change following the establishment of the Agency for the Co-operation of Energy Regulators. CEER has undertaken substantial work in support of the agency since its establishment and now CEER is actively developing new areas in which it is extending its activities. NVE considers it prudent to enable the CEER General Assembly to have a strategic orientation discussion on the future direction and scope of CEER work and, in particular, on the relative priority of each chosen topic area. This will enable those regulators leading the work in each topic area to get a better view of CEER's changing work pattern and the resource implications. An initial step will be to develop a top-down discussion paper to encourage a strategic level debate at the CEER General Assembly. Subsequently regulators leading in each topic (and respective Working Groups) will be asked to make proposals for specific deliverables, which must be assessed against the agreed strategic priorities.

The work on the CEER Programme will begin in February 2016 with aim of issuing a public consultation before summer.

The consultant will provide advice to NVE on the following issues:

- Provide advice to NVE on the development of the process for constructing the 2017 Work Programme
- Prepare reports and papers as required
- Undertake meetings of regulators as required (either physically or by telephone) to discuss the Work Programme
- Assist in liaising with the CEER President, CEER secretariat and Working Group Chairs

The consultant will report directly to nominated NVE staff for the duration of the project. The project has a budget ceiling of EUR 20.000.

Questions regarding the project specification and the assignment in general can be sent in the Merccell database.

Annex 2 – Contract conditions

SSA-B English simplified 2015 (docx): <http://www.anskaffelser.no/verktoy/bistandsavtalene-ssa-b-og-ssa-b-enkel>

Annex 3 - Self-declaration on health, environment and safety (HES)

This confirmation concerns:

Company name		Business reg.no./ Personal reg.no.	
Address		Contry*	
Post code		Town/place	

I hereby confirm that this enterprise is working systematically to meet the requirements in the health, environment and safety legislation and thus satisfies the requirements stipulated in the Regulations relating to systematic health, environmental and safety activities in enterprises (the Internal Control Regulations).¹

I confirm that this enterprise is legally organised in accordance with the current regulations concerning tax and the working environment with regard to the professional and social rights of our employees. I agree that the principal on request will be entitled to inspect and verify this enterprise's system for safeguarding health, the environment and safety.

Date

Managing Director/General Manager

I hereby confirm that systematic measures have been implemented to meet the above requirements in the health, environment and safety legislation.

☐ No employees

Date

Employee representative

*For successful bidders based overseas the following apply: I hereby confirm that this tender has been prepared with due attention to the health, environment and safety legislation that follows from the Regulations relating to systematic health, environmental and safety activities in enterprises (the Internal Control Regulations), stipulated in a Royal Decree of 6 December 1996 pursuant to the Act of 17 June 2006 No. 62 relating to working environment, working hours and employment protection, etc. I agree that the principal on request will be entitled to inspect and verify this enterprise's system for safeguarding health, the environment and safety activities.

Annex 4 - Self declaration on Salary and working requirements for personnel under service contracts with Norwegian public institutions

With reference to the Circular dated 16 July 2005 from the Ministry of Administration and Reform, Norwegian public institutions shall ensure that the use of personnel engaged under service contracts complies with ILO Convention No. 94 regarding work clauses to guarantee equal working conditions regardless of nationality.

The provider shall therefore ensure that its own employees and employees of any sub-contractors enjoy the salaries and working conditions laid down in tariff agreements, regulations or whatever normally applies to the place and work in question. The manager of the entity is responsible for ensuring compliance with this regulation.

All contracts that the provider enters into that cover work under this contract shall include these provisions.

If the provider fails to comply with these provisions, the Client is entitled to retain part of the payment until compliance is documented. The amount to be withheld shall equal twice the amount saved by the provider.

The provider shall upon request present documentation regarding the salaries and documentation used.

I hereby confirm that systematic measures have been implemented to meet the above requirements in connection with salary and working requirements for personnel under service contracts with Norwegian public institutions.

Place: _____ Date: _____

Signature: : _____