

INSTRUCTIONS TO CANDIDATES

Vers. 1.0

Content

1 Introduction.....	- 1 -
1.1 CONTRACTING AUTHORITY	- 1 -
1.2 THE PROCUREMENT OBJECTIVE	- 1 -
1.3 DESCRIPTION OF THE NCU SYSTEM.....	- 2 -
1.4 SCOPE	- 2 -
1.4.1 Operational Environments	- 3 -
1.4.2 Configuration	- 3 -
1.4.3 Technical requirements and tests.....	- 4 -
1.5 ESTIMATED TOTAL VALUE OF THE PROCUREMENT	- 4 -
1.5.1 Initial orders and call-offs.....	- 4 -
1.6 PUBLICATION OF THE TENDER NOTICE	- 5 -
2 Administrative provisions	- 5 -
2.1 INTRODUCTION TO THE TENDERING PROCEDURE	- 5 -
2.2 PREQUALIFICATION PHASE AND LIMITATION OF CANDIDATES.....	- 6 -
2.3 THE STRUCTURE AND CONTENT OF THE PREQUALIFICATION DOCUMENTS	- 6 -
2.4 THE CANDIDATE	- 6 -
2.5 POINT OF CONTACT.....	- 6 -
2.6 LANGUAGE	- 7 -
2.7 PREQUALIFICATION AND TENDER SCHEDULE.....	- 7 -
2.8 CORRECTIONS, SUPPLEMENTS AND CHANGES TO THE PREQUALIFICATION DOCUMENTS	- 7 -
2.9 QUESTIONS REGARDING THE PREQUALIFICATION PHASE	- 8 -
2.10 APPLICATION COSTS	- 8 -
2.11 RETURN OF APPLICATION	- 8 -
3 Confidentiality regulations	- 8 -
3.1 PURCHASER'S CONFIDENTIALITY OBLIGATIONS	- 8 -
3.2 CANDIDATE'S/TENDERER'S CONFIDENTIALITY OBLIGATIONS.....	- 9 -
4 Submission of application for prequalification.....	- 9 -
4.1 PREQUALIFICATION DECLARATION FORM AND TEMPLATE (PDT).....	- 9 -
4.2 NUMBER OF COPIES	- 9 -
4.3 PACKAGING AND LABELLING	- 9 -
4.4 DELIVERY OF APPLICATION	- 9 -
4.4.1 Postal address of delivery.....	- 10 -
4.4.2 Address for delivery by courier or by person	- 10 -
4.5 WITHDRAWAL OF OR CHANGES TO THE APPLICATION.....	- 10 -
4.6 DEADLINE FOR SUBMISSION OF APPLICATION FOR PREQUALIFICATION	- 10 -
4.7 REGISTRATION OF APPLICATIONS.....	- 10 -
4.8 OPENING OF THE APPLICATIONS	- 10 -
4.9 DECISION TO PREQUALIFY	- 11 -
4.10 CANCELLATION OF THE COMPETITION AND REJECTION OF ALL CANDIDATES	- 11 -
5 Review procedure	- 11 -
6 Prequalification requirements.....	- 11 -

1 Introduction

1.1 Contracting authority

This joint procurement will be conducted by the Danish Acquisition and Logistics Organization (DALO), the Finnish Defence Forces Logistics Command (FDFLOGCOM), the Norwegian Defence Materiel Agency (NDMA) and the Swedish Defence Materiel Administration (FMV), which will hereafter be referred to as the Purchaser.

The NDMA will lead the procurement procedure on behalf of and together with the other Purchasers.

Further information may be obtained about the contracting parties at the following websites:

- The Danish Acquisition and Logistics Organization:
www.fmi.dk
- The Finnish Defence Forces Logistics Command:
www.puolustusvoimat.fi/en/about-us/logistics-command
- The Norwegian Defence Materiel Agency command:
www.forsvaret.no/Forsvarsmateriell/en
- The Swedish Defence Materiel Administration:
www.fmv.se/en/

The WEB-page for the project is: <http://www.nordefco.org/commonuniform>

All units or divisions including any units of the Danish Defence Department subject to the command of the Chief of Defence / Danish Ministry of Defence, shall be entitled to use the Framework Agreement.

All units, or divisions including all units of the Norwegian Defence Department subject to the command of the Chief of Defence / Norwegian Ministry of Defence, shall be entitled to use the Framework Agreement.

1.2 The procurement objective

International obligations, national interests and values have led the Nordic Defence Cooperation (NORDEFECO) countries to this cooperation.

The driving principles of the NORDEFECO agreement are to strengthen national defence, explore common synergies and facilitate efficient solutions. Within the framework of NORDEFECO, the four Nordic countries Denmark, Finland, Norway and Sweden have decided to cooperate on a common procurement of a new combat uniform system.

The objective of this procurement is to meet the Finnish Defence Forces, the Norwegian Defence, the Swedish Armed Forces and Danish Defence needs for a Nordic Combat Uniform System (NCU system). Four separate national Framework Agreements will establish the terms and conditions governing the Framework Agreement, to be awarded and the calloffs pursuant that to.

1.3 Description of the NCU system

The NCU system begins with clothing next to the skin and ends at the outermost area providing a shell cover. The different elements in conjunction with or by themselves are designed to contribute to the soldiers' ability to withstand the demands, threats and hazards in order to solve the tasks at hand. The NCU system must cover the green illustrated area depicted in Figure 1.



Figure 1 – The NCU system coverage

The four Nordic countries have recognized through experience that the soldier requires an integrated platform consisting of various systems for the purpose of enhancing the soldier's ability to multitask while providing protection against surrounding threats.

These systems consist of various items enabling the soldier to perform and survive in combat missions. One of these systems is the combat uniform system.

The aim of the NCU system is to provide the soldier with protection against threats to the soldier in his/her operating environments.

The NCU system is meant to replace existing combat uniforms¹, including reinforcement; outer, mid and inner layers, in NORDEFECO countries.

1.4 Scope

The scope is to acquire a combat uniform system for any gender soldier within any military service.

The NCU system is intended for use in all geographical areas where NORDEFECO countries are or could be engaged in military operations. The objective is to procure the most suitable NCU system which is functional within the required climate zones (See paragraph 1.4.2), an 'inner to outer' combat uniform system which on overall volume, weight modularity and flexibility must improve the soldier's protection from the natural environment and other indirect threats such as detection, gravel, mud, heat and stones.

¹ The NCU-system will partly replace existing uniform systems in Finland.

1.4.1 Operational Environments

The NCU system will be utilised in climatic zones A1, A2, A3, C0, C1, C2, B1, B2, B3, M1 and M2 (according to STANAG 4370/AECTP 230), with the main focus on Nordic seasons.

The operational environments are defined as scenarios (Europe, Desert and Tropical Jungle) which encompass the climatic zones stated above. Figure 2 illustrates the three main scenarios covered by the NCU system.

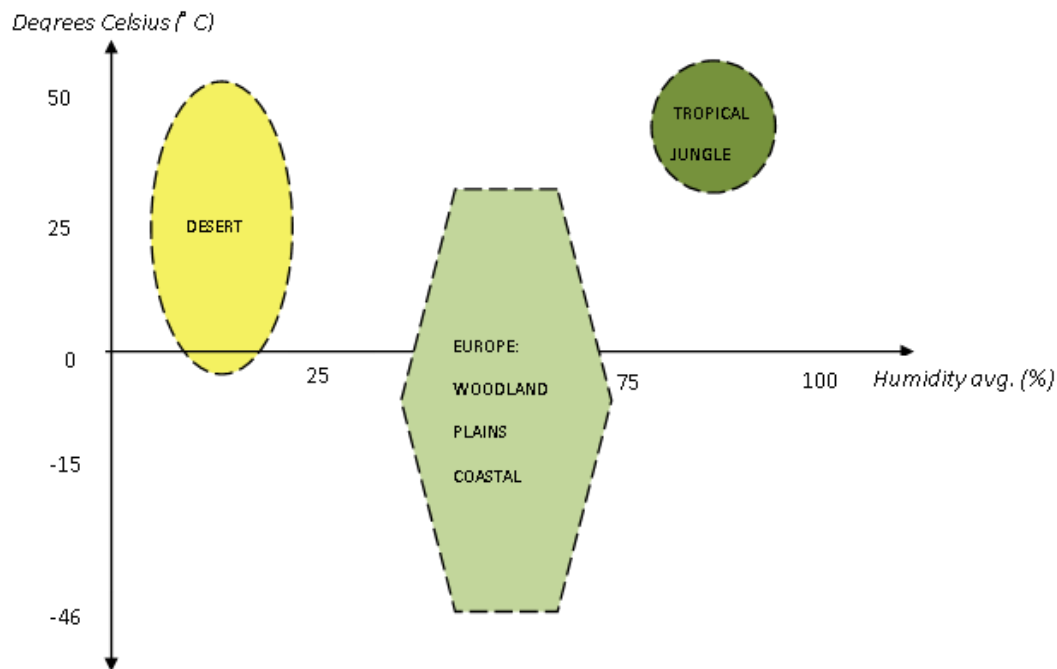


Figure 2 - Operational environments

For more detailed scenario descriptions, see Annex B – Scenario description.

1.4.2 Configuration

To cover the operational environments, the NCU system is divided in three (3) different configurations (European, Desert and Tropical Jungle), see Table 1. The NCU system is a set of interacting and/or interdependent garments/layers forming an integrated whole. Each configuration must work independently, but the system’s different articles should function together providing a “mix-and-match” system where layers can be added or removed according to activity and/or temperatures, see Figure 3.

System	NCU system			
Configuration	European		Desert	Tropical jungle
	Intermediate	Cold		
Climate ²	A3, C0, M1, M2	C1, C2	A1, A2, B3	B1, B2

Table 1 – NCU system configuration table

² Ref.: STANAG 4370/AECTP 230

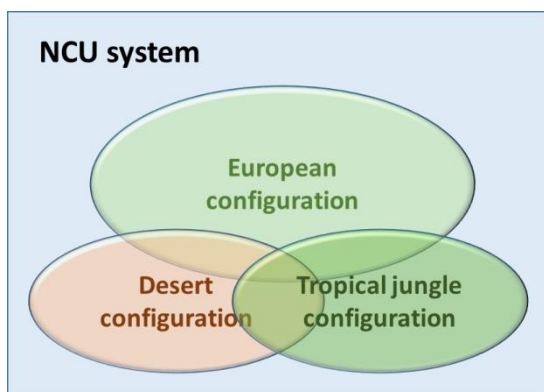


Figure 3 – NCU system sketch

1.4.3 Technical requirements and tests

The technical requirements for the NCU system will be the same for all nations, with the exception of some logistical requirements and requirements for camouflage pattern. The nations will have requirements for their national camouflage patterns, none of the camouflage patterns required will have intellectual property rights owned by a third party.

The approach of the technical requirements is based on a belief that the Purchaser knows the need, and the industry knows how to cover the need. Therefore, the technical requirements in the invitation to tender will be functional and quite open.

To ensure that the tenderers entering into the competition are offering a suitable uniform system, there will be a comprehensive test period with technical and user tests. The test period will extend over a longer period of time (approx. six months). The test uniform sets (which totally will be approx. 150 full uniform sets) have to be delivered according to the time schedule (see section 2.7). Additionally the Tenderers are required to provide material samples during the procurement process. To make sure the test personnel are using the offered uniform systems correctly, the tenderers will be required to conduct initial training on use of their uniform systems.

1.5 Estimated total value of the procurement

Value estimates for the entire duration of the Framework Agreement (7 years):

- Norway: MEUR 100 - 150
- Finland: MEUR 50 - 65
- Denmark: MEUR 40 - 100
- Sweden: MEUR 100 - 110

1.5.1 Initial orders and call-offs

The Purchaser will split up the initial orders pursuant to the four framework agreements in appropriate time intervals. After the initial orders, the call offs will be consolidated between the four nations in twice a year lots.

The main volume of orders from Sweden and Norway will be for the European climate zones intermediate and cold. The main volume of orders from Denmark and Finland will be for the European climate zone intermediate.

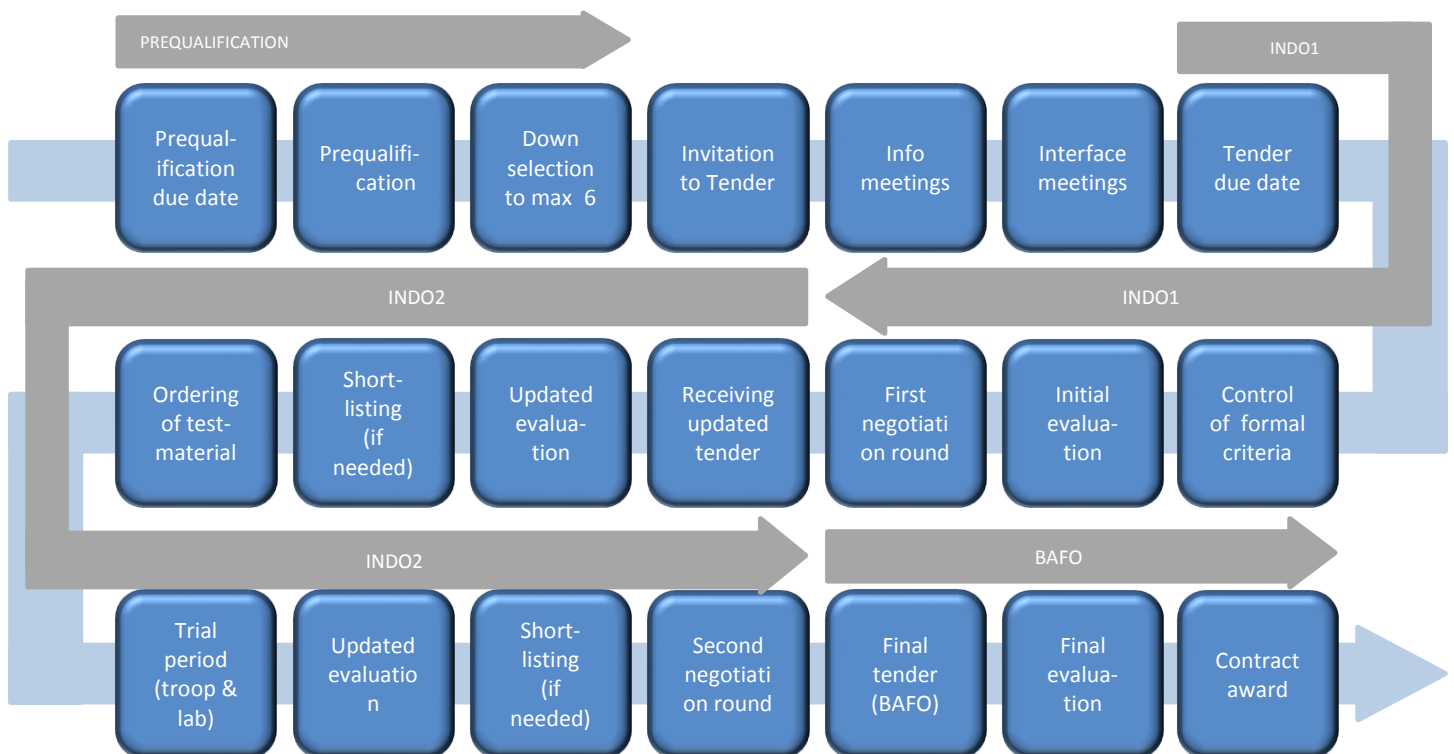
1.6 Publication of the Contract Notice

This Instructions to Candidates has been published together with the Prequalification criteria in the "DOFFIN" database (www.doffin.no) and Tender Electronic Daily (www.ted.europa.eu).

2 Administrative provisions

2.1 Introduction to the Tendering procedure

This procurement will be conducted as a negotiated procedure with publication of contract notice in accordance with Norwegian law. This procurement will start with a prequalification phase in which prequalification documents will be published. The prequalified candidates (maximum 6) will receive the Invitation to tender (ITT).



These laws and regulations are in particular relevant for the procurement:

- The Norwegian Public Procurement Act; Lov om offentlige anskaffelser (lov av 17.06.16 nr. 73), hereafter referred to as LOA.
- The Norwegian Defence and Security Procurement Regulations; Forskrift om forsvars- og sikkerhetsanskaffelser (forskrift av 04.10.13 nr. 1185), hereafter referred to as FOSA which implements the Defence and Security Directive (Directive 2009/81/EC).

- Act relating to Protective Security Services; Lov om forebyggende sikkerhetstjeneste (lov nr. 10 19 98), hereafter referred to as sikkerhetsloven.
- Norwegian Security Regulation on Procurements; Forskrift om sikkerhetsgraderte anskaffelser (forskrift av 16.12.16 nr. 1642), hereafter referred to as forskrift om sikkerhetsgraderte anskaffelser.
- The NDMA's internal instruction; Anskaffelsesregelverk for Forsvarssektoren (forskrift av 25.10.13 nr. 1411), hereafter referred to as ARF.

All the laws, regulations and instructions listed above can be found at www.lovdata.no

After the framework agreements are signed the framework agreements will be regulated by each nations law.

2.2 Prequalification phase and limitation of Candidates

Candidates unable to meet mandatory prequalification criteria (see Annex A Prequalification Declaration forms and Templates (PDT)) will be excluded.

The Purchaser intends to prequalify a maximum of six (6) Candidates to participate in the tender procedure.

The limitation of candidates will be based on an evaluation of the Candidate's Technical capacity. The evaluation will be based on references submitted by the candidates according to PDT section 7. Please note that any ambiguities and/or non comprehensible information submitted may be negatively regarded in the prequalification evaluation process during selection of limited number of candidates.

2.3 The structure and content of the prequalification documents

The prequalification documents consist of:

- Contract Notice
- Instructions to Candidates (ITC)
 - Annex A, Prequalification Declaration forms and Templates (PDT)
 - Annex B, Scenario description

2.4 The Candidate

An economic operator or a group of economic operators can only submit one prequalification application as a candidate. An economic operator is only allowed to participate in one group of economic operators or to submit an application of its own. An economic operator acting as a subcontractor can be a subcontractor for several prequalification applications.

Applications for prequalification contrary to this provision will be rejected.

2.5 Point of contact

The Purchaser's point of contact (POC) for this procurement process is:

Purchaser's commercial office:	NDMA, Norway
--------------------------------	--------------

E-mail:	NCU@mil.no
---------	------------

All questions regarding this procurement should be submitted in writing to above e-mail address.

2.6 Language

All written and oral communication relating to this procurement process shall be in English unless otherwise explicitly stated in the tender documents. The language requirement is not to be interpreted as a limitation of the Purchasers ability to refer to Norwegian sources of law in Norwegian language.

Certificates/documentation regarding the prequalification phase in languages other than Norwegian, Finnish, Swedish, Danish or English should be submitted together with an authorised translation in English.

2.7 Prequalification and tender schedule

The Purchaser will conduct the prequalification phase of the procurement process in accordance with the following schedule. All dates are tentative, except for the deadline for submission of applications for prequalification, which is fixed.

Activity	Date
Prequalification phase	
Contract Notice published in DOFFIN/TED.	24.11.2017
Preferred last date for questions regarding documents related to the prequalification.	16.01.2018
Deadline for submission of applications for prequalification	09.02.2018 13:00 CET
Evaluation of prequalification applications.	February 2018
Prequalification decision.	09.03.2018
Tender phase milestones	
Invitation to tender	26.03.2018
Interface day and Information meetings	Week 15 2018
First Indicative Offer (INDO 1)	31.08.2018
First negotiation round	22.10.2018 - 02.11.2018
Second Indicative Offer (INDO 2)	25.01.2019
Delivery of user test uniforms	23.08.2019
Second negotiation round	08.06.2020 - 19.06.2020
Best and Final Offer (BAFO)	20.08.2020
Contract Award	25.09.2020

2.8 Corrections, supplements and changes to the prequalification documents

Prior to the deadline for submission of prequalification applications the Purchaser has the right to make any corrections, supplements or changes to the prequalification documents.

2.9 Questions regarding the prequalification phase

The Candidates will have the opportunity to send questions in writing regarding the documents related to the prequalification. The questions must be drawn up in English and submitted by e-mail to the e-mail address mentioned in section 2.5 Point of contact. Questions will be made anonymous and answered subsequently through the Doffin database. Questions received 24 days before the deadline for submission of Prequalification Application will be answered. Questions received later will be answered, if it is possible to provide the answer not later than the deadline for submitting the application.

2.10 Application costs

The Candidates' costs and expenses related to preparing, submitting and following up prequalification applications will not be reimbursed. This also applies if the procurement procedure is cancelled in accordance with section 4.10.

However, the NCU-project will cover parts of the expenses for the tenderers who deliver test uniforms, a fixed sum of EUR 66.000,- per Tenderer (as per invoice upon delivery of test uniforms). The tenderers are expected to cover the balance, if any. The test uniforms delivered belong hereafter to the NCU project and will not be returned.

Participation in the procurement procedure will not in any way commit the Purchaser to enter into a framework agreement with the Candidate or bind the Purchaser to any financial commitments.

2.11 Return of application

The Purchaser will not return the prequalification applications to the candidates.

3 Confidentiality regulations

3.1 Purchaser's confidentiality obligations

The procurement procedure is subject to Norwegian law and must follow the principle of public access, ref. the Norwegian Public Administration Act § 11.

Confidentiality in the procurement procedure will be handled in accordance with the Norwegian Public Administration Act section 13. Confidential information is exempted from access according to the Freedom of Information Act § 13.

According to the Freedom of Information Act, once the Tenderer is chosen, internal evaluation documents will be accessible to the public. However, any confidential knowledge and information related to technical solutions, execution, or how the competitor's business is conducted must be kept confidential according to the Norwegian Public Administration Act § 13 and FOSA § 3-4.

If the Candidate /Tenderer determines that their application / tender consists of certain confidential information considered by the Candidate / Tenderer as company secret, pursuant to the Public Administration Act § 13, the Candidate / Tenderer they are encouraged to submit a version where this information is labeled as company privileged or confidential and redacted from this alternative version. Nonetheless, it must be evaluated whether or not the information provided by the Candidate /Tenderer, ref. Public Information Act § 29 will be confidential according to the relevant legislation.

Information received by the respective Purchaser will be handled in accordance with each nation's respective mandatory laws, regulations and practices regarding freedom of information and secrecy of information.

Information provided by the Candidate/Tenderer under this procurement is subject to confidentiality according to the Norwegian Freedom of Information Act § 23 third paragraph. The Candidate will be informed of decisions reached concerning the Candidate, but the Purchaser will not publish any

information about the procurement until a final decision concerning the award of the framework agreement has been made, or the procurement is otherwise concluded.

3.2 Candidate´s/Tenderer´s confidentiality obligations

By participating in the Procurement procedure, the candidates/tenderers are obliged to maintain any confidential information as confidential which is acquired throughout the entire procurement process.

A Candidate/ a Tenderer is solely responsible for the correct utilisation of the information. A Candidate/a Tenderer is responsible to make sure that third parties to whom confidential information referred to within this paragraph is disclosed by the Candidate/Tenderer follow the Candidate´s/Tenderer´s confidentiality obligations.

4 Submission of application for prequalification

4.1 Prequalification with Declaration forms and Templates (PDT)

The Purchaser has prepared the Prequalification Declaration forms and Templates (PDT), ref. Annex A which the candidates are strongly encouraged to use when submitting their applications. The PDT contains requirements, questions, forms, declarations and templates for providing information, self-declarations etc. in accordance with the requirements in this procurement procedure. However, it is emphasized that it is the sole responsibility of the Candidate to provide complete information and fulfill prequalification requirements ref. Annex A the PDT. Incomplete application may be rejected. If there is any missing documentation, the Purchaser may notify and provide a short additional deadline for submission for the required documents.

4.2 Number of copies

The Candidate shall submit [one] original application in a paper version.

In addition the Candidate should submit one (1) hard copy version and ten (10) electronic versions of the application preferably on CD/ DVD-ROM.

The original version of the application prevails over the digital version in the event of inconsistency.

4.3 Packaging and labelling

The applications should preferably have ring binders and should be packed in double, closed and neutral envelope(s) / packaging.

The inner envelope should preferably be labelled with the following:

The front: Tender TED reference number
Norwegian Defence Materiel Agency/Land/Contract Dept., att: NCU-contact.

The back: The candidates´s return address.

The outer envelope shall be labelled with the postal address.

4.4 Delivery of application

Applications which are delivered by post shall be addressed in accordance with information in the section below.

Applications can also be delivered by courier or in person. If either of these delivery methods is chosen, an appointment must be made in advance. An application delivered by courier or in person shall be delivered to the address stated below between 09:00 – 15:00 CET Monday to Friday.

Instructions to Candidates
Nordic Combat Uniform system

4.4.1 Postal address of delivery

Mail address

Norwegian Defence Materiel Agency / Land systems / Contract Dept.

NCU-P4019

P.O. Box 843

NO-1306 SANDVIKA

NORWAY

”Åpnes kun av adressat”

4.4.2 Address for delivery by courier or by person

Business Address

Norwegian Defence Materiel Agency

Land/Contract Dept.

NCU-P4019

Kolsaas Base,

Roedskiferveien 20

NO-1352 Kolsås

4.5 Withdrawal of or changes to the application

A candidate can withdraw from the procurement process or change the application for prequalification prior to the deadline for submission of applications.

If changes are made to the submitted application, this will be considered as a new application.

4.6 Deadline for submission of application for prequalification

The applications must be received by the Purchaser no later than

09.02.2018 13:00 CET

This deadline is absolute. Applications received after the deadline for submission of applications shall be rejected. Applications received by e-mail or fax shall also be rejected.

4.7 Registration of applications

The applications will be registered and marked with the time of delivery when received by the Purchaser.

4.8 Opening of the applications

The opening of the applications will be performed after the deadline for submission of applications by a minimum of two people from the Purchaser. There will be no public opening of the applications.

4.9 Decision to prequalify

The Purchaser will notify all candidates individually by e-mail about the decision made regarding prequalification as soon as the decision has been made. The prequalified candidates will receive an invitation to submit a tender. Invitation to Tenderers – providing guidance for submitting a tender and the continuing procurement process.

4.10 Cancellation of the competition and rejection of all candidates

The Purchaser reserves the right to cancel the procurement procedure or to reject all applications if there are factual and objective grounds for such cancellation or rejection.

5 Review procedure

Rejected Candidates will get a reasoned decision. The Candidate may:

1) Send a written complaint within 15 calendar days (counted from the day after the decision is sent) to NDMA if the Candidate thinks a decision is not correct. The complaint must be reasoned. The Purchaser may at the Purchaser's discretion review the decision and the rejected Candidate will be informed hereof,

and/or

2) File a request for interlocutory procedures (midlertidig forføyning) with Norwegian District Court³ within 15 calendar days (counted from the day after the decision is sent), ref. FOSA § 10-6.

6 Prequalification requirements

All requirements and how they are to be documented are described in Annex A the PDT.

³ Ref. Norwegian Dispute Act (lov av 17.06.05 nr. 90 –tvisteloven) chapter 4