

## **INSTRUCTIONS TO CANDIDATES**

P9335 – Frame Tent

Request number: 100744

Prequalification deadline 22.01.2018 15:00 CET

## Content

<b>1 Introduction</b> .....	<b>- 1 -</b>
1.1 CONTRACTING AUTHORITY .....	- 1 -
1.2 THE PROCUREMENT OBJECTIVE .....	- 1 -
1.3 DESCRIPTION OF THE SYSTEM .....	- 1 -
1.4 SCOPE .....	- 1 -
1.4.1 Operational Environments .....	- 1 -
1.5 ESTIMATED TOTAL VOLUME OF THE PROCUREMENT .....	- 2 -
1.6 PUBLICATION OF THE TENDER NOTICE .....	- 2 -
<b>2 Administrative provisions</b> .....	<b>- 2 -</b>
2.1 INTRODUCTION TO THE TENDERING PROCEDURE .....	- 2 -
2.2 PREQUALIFICATION PHASE AND LIMITATION OF CANDIDATES .....	- 2 -
2.3 THE STRUCTURE AND CONTENT OF THE PREQUALIFICATION DOCUMENTS .....	- 3 -
2.4 THE CANDIDATE.....	- 3 -
2.5 MERCELL PORTAL.....	- 3 -
2.6 COMMUNICATION.....	- 3 -
2.7 LANGUAGE .....	- 3 -
2.8 PREQUALIFICATION AND TENDER SCHEDULE.....	- 4 -
2.9 CORRECTIONS, SUPPLEMENTS AND CHANGES TO THE PREQUALIFICATION DOCUMENTS .....	- 4 -
2.10 QUESTIONS REGARDING THE PREQUALIFICATION PHASE.....	- 4 -
2.11 APPLICATION COSTS .....	- 5 -
2.12 RETURN OF APPLICATION.....	- 5 -
<b>3 Confidentiality regulations</b> .....	<b>- 5 -</b>
3.1 PURCHASER'S CONFIDENTIALITY OBLIGATIONS .....	- 5 -
3.2 CANDIDATE'S/TENDERER'S CONFIDENTIALITY OBLIGATIONS .....	- 5 -
<b>4 Submission of application for prequalification</b> .....	<b>- 6 -</b>
4.1 PREQUALIFICATION WITH DECLARATION FORMS AND TEMPLATES (PDT).....	- 6 -
4.2 METHOD OF DELIVERY .....	- 6 -
4.3 ELECTRONIC SIGNATURE ON DELIVERY .....	- 6 -
4.4 DEADLINE FOR SUBMISSION OF APPLICATION FOR PREQUALIFICATION.....	- 6 -
4.5 REGISTRATION OF APPLICATIONS .....	- 6 -
4.6 OPENING OF THE APPLICATIONS.....	- 6 -
4.7 DECISION TO PREQUALIFY .....	- 7 -
4.8 CANCELLATION OF THE COMPETITION AND REJECTION OF ALL CANDIDATES .....	- 7 -
<b>5 Review procedure</b> .....	<b>- 7 -</b>
<b>6 Prequalification requirements</b> .....	<b>- 7 -</b>

## 1 Introduction

### 1.1 Contracting authority

This procurement will be conducted by the Norwegian Defence Materiel Agency (NDMA) which will hereafter be referred to as the Purchaser.

For further information about the Purchaser, please visit the following websites:

- The Norwegian Defence Materiel Agency command:  
[www.forsvaret.no/Forsvarsmateriell/en](http://www.forsvaret.no/Forsvarsmateriell/en)

All divisions of the Norwegian Ministry of Defence will be entitled to use the Framework Agreement.

### 1.2 The procurement objective

The objective of this procurement is to meet the Norwegian Armed Forces need for new linear shape frame tent systems. A national Framework Agreement will establish the terms and conditions governing the calloffs and delivery.

### 1.3 Description of the system

Norwegian Defence Materiel Agency intends to procure a rapid deployment, linear shape frame tent system suitable for multiple applications. The tent system shall be a modular solution for maximum functionality and adaptability for use in field-related areas and will be connected to containers and vehicles by using custom made sluices. The connection sluices shall be custom made by tent suppliers on demand.

**Tent #1.** The floor area shall be in the range of 16-20 square meters and internal height in the tent shall be at least 200cm over minimum 50% of the floor area.

**Tent #2.** The floor area shall be in the range of 20-35 square meters and internal height in the tent shall be at least 200cm over minimum 50% of the floor area.

**Tent #3** will be a quadratic connector/connection tent primarily for Tent 1 but also for Tent 2.

### 1.4 Scope

The scope is to acquire a multipurpose linear frame tent systems.

The tent system is intended for use in all geographical areas in which the Norwegian Armed Forces are situated and where they may engage in military operations. The aim is to find the overall most suitable tent system which can be functional in the required climate zones, see 1.4.1.

#### 1.4.1 Operational Environments

The tent system will be used in climatic zones A1, A2, A3, C0, C1, C2, B1, B2 and B3 (according to STANAG 4370/AECTP 230).

The tent system shall withstand wind and gusts of wind accordingly to level 9 on Beauforts scale.

### **1.5 Estimated total volume of the procurement**

Volume estimates for the entire duration of the Framework Agreement (4+2+2+1 years) will be from 0 to 600 tent units in different sizes.

### **1.6 Publication of the tender notice**

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

## **2 Administrative provisions**

### **2.1 Introduction to the Tendering procedure**

This procurement will be conducted as a restricted tender competition 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 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), hereinafter 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.lovdato.no](http://www.lovdato.no)

### **2.2 Prequalification phase and limitation of Candidates**

Candidates that do not fulfill the mandatory prequalification criteria (see Annex A Prequalification Declaration forms and Templates (PDT)) will be excluded.

The Purchaser intends to prequalify a maximum of five (5) 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 incomprehensibilities in the information submitted may be regarded negative in the evaluation when selecting the limited numbers of candidates.

If/when the Candidate is rejected, please see section 5. For further instructions.

## **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, Quality and Environmental Assurance

## **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 Mercell portal**

The Purchaser uses the Mercell portal for communication and pre-qualification/tender deliveries during this procurement. For information regarding the Mercell portal please visit [www.mercell.com](http://www.mercell.com).

## **2.6 Communication**

All communication regarding this procurement shall be submitted via the Mercell portal.

When you are in the procurement, in the Mercell portal, select the Communication tab. Then click on the “new message” button. Enter the name of the competition and the subject of your inquiry. Enter the information or question to the Purchaser and then press “send”. Additional information is available under the Communication tab and then the Additional Information subfolder.

## **2.7 Language**

All written and oral communication relating to this procurement process shall be in English or Norwegian unless otherwise has been 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 other languages than Norwegian or English should be submitted together with an authorized translation in English.

## 2.8 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
<b>Prequalification phase</b>	
Contract notice published in DOFFIN/TED.	20.12.2017
Preferred last date for questions regarding documents related to the prequalification.	15.01.2018 15:00 CET
Deadline for submission of applications for prequalification	22.01.2018 15:00 CET
Evaluation of prequalification applications.	02.2018
Prequalification decision.	16.02.2018
<b>Tender phase milestones</b>	
Invitation to tender	05.03.2018
Preferred last date for questions regarding documents related to the ITT.	09.04.2018 15:00
Best and Final Offer (BAFO)	16.04.2018 15:00
Clarification meetings	Week 19
Final evaluation	Week 20 and 21
Selection of Contractor and information to Bidders	Week 22
Closing date for submitting complaints	Week 24
Contract Award	Week 25

## 2.9 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.

## 2.10 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 or Norwegian and submitted in the Merccell as described in point. 2.6. Questions will be made anonymous and answered subsequently through the Merccell portal. Questions received 5 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.

### **2.11 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 4.8.

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.

### **2.12 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 the 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 FOIA § 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 undertake to maintain any confidential information as confidential which is acquired throughout the entire procurement process.

A Candidate/a Tenderer is solely responsible for right use of the information. A Candidate/a Tenderer is responsible to make sure that third parties to whom information referred to in 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 a Prequalification Declaration form and Template (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 that the information provided is complete and fulfills the prequalification requirements ref AnnexA the PDT. Incomplete application may be rejected. If there is any missing documentation, the Purchaser may give a short additional deadline for submission for the required documents.

### **4.2 Method of delivery**

All prequalification applications shall be delivered electronically via the Mercell portal, [www.mercell.com](http://www.mercell.com), within the deadline. Applications submitted after this is automatically rejected by the portal.

If the Candidate is not a Mercell user, or if there are any questions about the portal, contact Mercell Support on phone number: +47 21 01 88 60 or by e-mail to: [support@mercell.com](mailto:support@mercell.com).

It is recommended that the offer is submitted well in advance of the expiry of the deadline, e.g. minimum one (1) hour before. Already submitted offers can be changed or withdrawn until the deadline expires.

### **4.3 Electronic signature on delivery**

The Candidates could be asked to make an electronic signature to confirm that it is the current business that has submitted the prequalification/tender documents.

Electronic signatures can be obtained at [www.commfides.com](http://www.commfides.com), [www.buypass.no](http://www.buypass.no) og [www.bankid.no](http://www.bankid.no).

The Purchaser note that it may take a few days to receive electronic signature so that this process is initiated as soon as possible.

### **4.4 Deadline for submission of application for prequalification**

The applications must be posted in the Mercell portal no later than

22.01.2018 15:00 CET

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

### **4.5 Registration of applications**

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

### **4.6 Opening of the applications**

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



#### **4.7 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 – provide guidance for submitting a tender and the continued procurement process.

#### **4.8 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 his 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 Court<sup>1</sup> 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.

---

<sup>1</sup> Ref. Norwegian Dispute Act (lov av 17.06.05 nr. 90 –tvisteloven) chapter 4