



NORWEGIAN DEFENCE MATERIEL AGENCY

K FMA IKT 2018-047

PART 1

Pre-Qualification of Bidders

**Acquisition of unclassified, military Wireless Mesh Networking
(MANET) radios**

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1 INTRODUCTION

1.1 The Norwegian Defence Materiel Agency

The Norwegian Defence Materiel Agency (NDMA) sorts directly under the Ministry of Defence together with the Norwegian Armed Forces, Defence Estates Agency, Defence Research Establishment and National Security Authority.

NDMA is the Department of Defence's commercial and technical designated procurement and divestment authority. NDMA plans for the future and establishes projects to meet the needs of military defence strategies as well as other defence agencies. NDMA formulates the necessary regulatory framework, certifies, authorises and controls technical issues. By managing internal resources, controlling costs and providing for the proper disposal of used materiel, a proper life cycle of goods and services is established.

The NDMA consists of the following five divisions: Naval Systems, Air Systems, Land Systems, Communication Information Systems (CIS) and General Materiel.

CIS division represents the owner of the CIS equipment, manages the equipment and is the approving authority for all CIS equipment for the Norwegian Armed Forces. CIS division has about 330 employees headquartered at Kolsås and other departments located at Kjeller and Haakonsværn.

1.2 Objective and Scope

The objective of this Pre-qualification of Bidders is to establish a contract to cover acquisition of new commercial handheld Mobile Ad-Hoc Network (MANET) radios for the Norwegian Armed Forces.

Handheld MANET radios shall provide the Norwegian Armed Forces with the ability to securely stream voice, data and video between arbitrary pairs of radios, using each other as relays for extended range and flexibility. The radios will be physically connected to end user devices. The intended use of the radios shall not require any dependencies on central control devices and must support large amounts of interconnected radios (>60) without considerable quality degradation. The radios will be used within both UHF and SHF frequency bands and must withstand tough use in outdoor operational environments in both a Nordic climate and in a desert climate.

The NDMA wishes to purchase approximately 250 radios. The NDMA is also looking to purchase accessories including but not limited to, antennas, multi chargers and transport boxes for all the radios purchased. The NDMA further requires 4 options for purchase of up to 30 radios with accessories for each option, or just accessories, for a maximum 120 additional radios. Furthermore, the NDMA wishes to enter into a support agreement with the tenderer who is awarded the contract.

The estimated value of the contract is 60 million NOK.

Specific details regarding technical requirements, Terms and Conditions and Scope of Delivery will be given to qualified bidders in the Invitation to Tender phase.

1.3 Publication of Contract Notice

This procurement process/contract has been published on:

- Mercell, mercell.no
- DOFFIN, www.doffin.no
- Tender Electronic Daily, www.ted.europa.eu

The Purchaser's responsibility for the correctness and accuracy of the documentation for this document is limited to the documentation published on the above mentioned websites.

2 ADMINISTRATIVE PROVISIONS

2.1 Tendering Procedure

The Tender process will be conducted as a Restricted Procedure after publication in accordance with Norwegian procurement regulation for Defence and security related procurements "Forskrift om forsvars- og sikkerhetsanskaffelser" (FOSA)¹, see FOSA § 5-1 (1). This is a FOSA procurement, cf. FOSA § 1-3 (1) a, as this procurement consists of defence materiel as listed in FOSA § 4-1 f; materiel which is specially designed or adapted to military objective or use.

In accordance with FOSA § 10-6, a party seeking an interim injunction in this procedure must file with the court (Tingretten) within 15 business days of the Purchaser sending the notification that they were unsuccessful.

FOSA can be found at: www.lovdato.no. Any translation of FOSA, and associated regulation, is the sole responsibility of the Bidder.

This Restricted Procedure will be conducted in two phases:

- Pre-Qualification phase (this document). Bidders will submit information on their organization and general capabilities, see Article 7.
- Tender phase. After NDMA has reviewed the documents submitted by the Bidders during the prequalification phase, the qualified Bidders will receive an Invitation to Tender and Draft Contract with associated Annexes including the Scope of Work, and the Award Criteria used to evaluate successful tenderers. The Bidders will use these documents to submit their offers. Part of the award criteria is based on a number of field tests, executed at the purchasers' premises, designed to test the radio's performance in the field.

Expenses incurred preparing and participating in field tests of radios, including support hours, travel cost, living expenses and accommodation, will be reimbursed limited upward to the amount of \$15.000,- USD, after the Bidder has submitted documentation of the costs. Any other costs the Bidder incurs related to participating in the tender process shall be borne by the Bidder in their entirety.

¹ Forskrift 4. oktober 2013 nr. 1185 om forsvars- og sikkerhetsanskaffelser

2.2 The Structure of the Pre-Qualification Document

The pre-qualification document consists of two parts:

- How the pre-qualification phase will be conducted (chapter 1-6)
- Prequalification requirements (chapter 7).

In addition, the following Annexes are part of the pre-qualification document:

- Annex A - Health, Environment and Safety (HES) Statement
- Annex B - Ethical Statement for Suppliers
- Annex C - Liability Statement

2.3 Points of Contact

The Purchaser's Point of Contact (POC) for this procurement process is:

Name	Alexandra Reichelt
Phone	+47 67 86 29 85
E-mail	areichelt@mil.no

All communication relating to this procurement process shall be in writing, in **English or Norwegian**.

There shall be no contact with other persons in the Purchaser's organization regarding this procurement process than the person stated above.

2.4 Procurement Schedule

The Purchaser will conduct the procurement process in accordance with the following progress schedule. All dates are tentative, except for the pre-qualification deadline which is fixed. All times are GMT+1.

Activity	Date
Pre-Qualification notice published in DOFFIN/TED	2018-10-29
Deadline for submitting questions regarding pre qualifications.	2018-11-23
Due date for submitting documents for pre-qualification	2018-12-04 23:59
Time for when qualified Bidders will receive the Invitation to Tender (Estimated)	2018-12-17
Deadline for submitting questions regarding Invitation to Tender (Estimated)	2019-01-07
Deadline for receipt of tenders (Estimated)	2019-02-03
Opening of tenders (Estimated)	2019-02-04
Field tests begin (Estimated), one week of testing per Bidder	2019-02-12
Field tests end (Estimated)	2019-04-10
Tender evaluation (Estimated)	2019-04-11
Contract award (Estimated)	2019-05-06

Stand still period (Estimated)	2019-05-07 – 2019-05-22
Contract award – Signature (Estimated)	2019-05-23
Tender validity date (Estimated)	2019-06-10

2.5 Corrections, Supplements or Changes to the Pre-Qualification documents

Prior to the Pre-Qualification due date the Purchaser has the right to make non-substantial corrections, supplements and/or changes to the Pre-Qualification documents. Any such corrections, supplements and/or changes will be published through the DOFFIN database no later than 14 days prior to the due date for submitting documents for pre qualifications, cf. Article 2.4 Procurement Schedule.

The Purchaser would like to emphasize that it is very important that all potential Bidders register at the DOFFIN and Merzell websites in order to get access to all documents and possible changes and/or clarifications of the enquiry documentation, cancellations, questions and answers, and all other information relating to this enquiry.

2.6 Questions Regarding the Tender process

Any questions the Bidder may have regarding the Pre-Qualification process must be submitted within the set deadline cf. Article 2.4 Procurement Schedule. Questions shall be in writing and sent through Merzell or email to the Purchaser's POC, cf. article 2.3 Points of Contact.

All questions will be rendered anonymous when answered and subsequently made available through the DOFFIN and Merzell databases. This will be done within reasonable time prior to the tender due date.

2.7 Return of Pre-Qualification documents and Submission Costs

The costs involved in preparing, submitting and following up the Pre-Qualification, tender and the procurement process will not be reimbursed, except for costs incurred in the course of field tests, up to \$ 15.000,- USD as stated in article 2.1.

The Purchaser will not return the pre-qualification documents to the Bidders who are not awarded a Contract.

Participation in the competition will not in any way commit the Purchaser to enter into a contract with the Bidder, or tie the Purchaser to any financial commitments.

3 CORPORATE RESPONSIBILITY

3.1 Fundamental Conditions for Social Responsibility

The Purchaser shall act in accordance with good business practice and ensure high ethical standards throughout the entire procurement process. Consequently, the Purchaser has implemented rules and requirements applicable to all work as described below:

- According to the code of ethics, all contact between the Purchaser and the Bidder shall be solely professional throughout the procurement process. In particular, any social activities or the exchange of gifts shall not occur.
- The Bidder shall not involve former employees of the Purchaser in the procurement process in a way that leaves them in a conflicting position with regard to their declaration of confidentiality, nor in a way through which their impartiality can be questioned.
 - The Bidder shall inform the Purchaser of whether such conflicts may occur.
 - The Purchaser reserves the right to request amendments to the composition of the Bidders' personnel if adverse conditions conflicting with good business practice are suspected to arise.
- The Norwegian Purchaser is bound by the Norwegian Public Administrations Act regarding nondisclosure and conflict of interest throughout the entire procurement process and after the completion of this process.
- In order to participate in the competition, the Bidder must fulfil a set of minimum ethical and social requirements, cf. article 7.7 Social and Ethical Requirements.

4 CONFIDENTIALITY AND SECURITY

4.1 Confidentiality and Publicity

In accordance with the Norwegian Act relating to Public Access to Documents in the Public Administration (Freedom of Information Act) 19th of May 2006 no. 16² § 23, 3rd Subsection, the public is entitled to access tenders as well as the procurement protocol after the choice of Bidder has been made. Additionally, the Freedom of Information Act provides that;

- § 13: Confidential information is to be exempted from access,
 - If the Bidder finds that the tender contains information which is subject to a confidentiality obligation, or for other reasons should be exempt from the public's right to access, this shall be noted separately as per Article 5.1 Structure.
 - The Purchaser will assess any claims for confidential treatment of information the Bidder makes, in accordance with § 29. The Purchaser will perform an independent assessment of the claim and inform the Bidder of whether the claim of confidentiality will be upheld.
- § 11: The Purchaser is obliged to comply with the principle of additional access to information.

² Lov 19. mai 2006 nr. 16 om rett til innsyn i dokument i offentlig verksemd (offentleglova)

4.2 Security Agreement with the Bidder

Should the competition contain classified information, the Purchaser may require that a separate security agreement between the Bidder and Purchaser be established before the Bidder is granted access to current information.

4.3 Security Agreement with the Contractor

The purchaser has evaluated the sensitivity of the information exchange and handling in the bidding process and the subsequent contract period. NDMA do not anticipate that any classified information will be exchanged; hence a bilateral security agreement will not be necessary.

4.4 Security Clearance and Visitor Permits

It is the Bidder's responsibility to obtain all the necessary permits and security clearances for meetings taking place on the premises of the Purchaser. In this case security clearance of individuals is not necessary.

Requests for visits by the Bidder's foreign nationals shall be executed according to instructions and by means published on the link below:

<https://forsvaret.no/en/rfv>

5 PRE-QUALIFICATION REQUIREMENTS

5.1 Structure

The Pre-Qualification documents shall contain the following documentation, and shall be structured as follows:

Article no.:	Documentation
1.	Front letter containing the following information: <ul style="list-style-type: none">1.1. Reference to the pre-qualification document's name and number.1.2. The Bidder's address, telephone and fax number, and the company identification number or VAT number1.3. The name of the Bidders' contact person including their telephone number and e-mail address.1.4. Bank account number and the name and address of the bank1.5. Clearing/SWIFT-code and IBAN-code1.6. Binding signature from a person authorised to sign on the behalf of the Bidder.
2.	Documentation of the qualification requirements <ul style="list-style-type: none">2.1. Tax certificate/s, cf. Article. 7.2 Requirements Regarding Taxes and VAT.2.2. HES-statement, cf. Article 7.2 Requirements Regarding Taxes and VAT and Annex A.

	<p>2.3. Documentation of the Bidder’s organisational and legal position, cf. Article 7.3 Requirements on the Bidder’s organisational and legal position.</p> <p>2.4. Documentation of the Bidder’s economic / financial position, cf. Article 7.4 Requirements on the Bidder’s Financial Position.</p> <p>2.5. Documentation of technical and professional qualifications, cf. Article 7.5 Requirements on Technical and Professional Qualifications</p> <p>2.6. Documentation of social and ethical requirements, cf. Article 7.6 Social and Ethical Requirements.</p>
3.	Any confidential information, cf. Article 4.1 Confidentiality and Publicity.
4.	There shall be enclosed a liability statement for each subcontractor needed to fulfil the qualification requirements, cf. Annex C
5.	Other relevant information

5.2 Format

5.2.1 Overview

- The Pre-Qualification documents, including all relevant documentation and Annexes, shall be compiled into one PDF document and be delivered digitally through Mercell’s online KGV solution
- Each part of the PDF shall be marked with K FMA IKT 2018-047 – Acquisition of unclassified, military Wireless Mesh Networking (MANET) radios
- Each pre-qualification submission shall have the structure and content, and be divided into sections according to the structure set out in Article 5.1 Structure.

5.2.2 Delivery

- The Bidder shall submit a digital copy of the pre-qualification document through Mercell’s online KGV solution.
- All electronic files shall be in either a Microsoft Office 2003 compatible format, or PDF.
- All pre-qualification documentation must be clearly marked with K FMA IKT 2018-047.
- The NDMA does not accept paper copies of the pre-qualification documents.

5.3 Withdrawal and Changes to the Pre-Qualification Bid

The Bidder can withdraw or change the pre-qualification bid prior to the due date by making the relevant changes in Mercell.

5.4 Rejection of the Pre-Qualification Bid

In this competition the rules for rejection in FOSA § 11-12 to § 11-14 will apply. It is advised that the Contractor familiarise himself with these.

6 SUBMISSION OF PRE QUALIFICATION DOCUMENTS

6.1 Pre-qualification Due Date

The pre-qualification bid must be received by the Purchaser no later than the time and date set out in Article 2.4 Procurement Schedule. Bids received after the pre-qualification due date and time will be rejected.

6.2 Pre-Qualification Bid Delivery

Pre-qualification bids must be delivered electronically, through Mercell's online KGV solution.

6.3 Registration and Opening of Pre-Qualification documents

The Pre-qualification documents will be opened after the Pre-Qualification due date has expired. The opening of documents will be performed by a minimum of two persons from the Purchaser.

7 PRE QUALIFICATION REQUIREMENTS

7.1 Overview

The Bidder must fulfil all mandatory requirements, phrased as shall requirements, outlined under Article 7 Pre-Qualification Requirements to proceed to the Tender phase. The Bidder has the responsibility to ensure that all requested documentation is correctly submitted.

If a Pre-Qualification submission relies on multiple enterprises to meet the requirements, the Bidder shall enclose a liability statement from each relevant subcontractor stating that the Bidder will have access to the necessary resources when the Contract is to be performed, cf. Annex C.

7.2 Requirements Regarding Taxes and VAT

REQUIREMENT	DOCUMENTATION REQUIREMENT
The Bidder shall fulfil obligations relating to the payment of taxes, VAT or similar payments under the law of Norway or of the relevant State in which the Bidder is established.	Tax certificate not older than six months counted from the Pre-Qualification due date. The following serves as acceptable tax certificates: For Norwegian Bidders: "Skatteattest"/from "kemner/kommunekasserer" for payroll, VAT and regular taxes. For Foreign Bidders: Foreign Bidders must have corresponding certificates from their authorities documenting that they have complied with the rules and

	<p>regulations relating to taxes, VAT fees, duties etc. If the Authorities do not issue such certificates, the Bidders shall forward a statement confirming that all such taxes have been paid. The Statement shall be confirmed and signed by the Bidders Chief Financial Officer and auditor.</p> <p>This document shall be marked attachment no. 1</p>
<p>For works/ services that are being performed in Norway the Bidder must fulfil Norwegian HES – requirements.</p>	<p>For Norwegian Bidders: Completed and signed HES self-certificate, Annex Health, Environment, and Safety (HES) Statement, cf. Annex A.</p> <p>This document shall be marked attachment no. 2</p>

7.3 Requirements on the Bidder’s Organisational and Legal Position

REQUIREMENTS	DOCUMENTATION REQUIREMENTS
<p>The Bidder shall have a legally established company.</p>	<p>Norwegian Bidders:</p> <ul style="list-style-type: none"> • Company registration certificate. <p>Foreign Bidders:</p> <ul style="list-style-type: none"> • Company registration certificate; or if not available in the Bidder’s country: • Confirmation that the Bidder is registered in a trade register or a register of business enterprise in accordance with the laws of the country where the Bidder is established. <p>The above certificates shall not be more than six months old, counted from the Pre-qualification due date.</p> <p>This document shall be marked attachment no. 3</p>
<p>In case of a single purpose company, the companies represented by the Bidder shall be able to provide a Parent Company Guarantee.</p>	<p>In the event that the Bidder, or the Bidder and intended Subcontractors jointly, establishes a single purpose company, in respect of performance of the Scope of Delivery, or any part of the Scope of Delivery, under the Contract, the Bidder shall always remain fully responsible for the work and performance under the Contract. The Bidder shall provide a Parent Company Guarantee in accordance with the outline in 1.2 Objective and Scope, for the full performance and liability of such a single purpose company.</p>

	This document shall be marked attachment no. 4
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7.4 Requirements on the Bidder's Financial Position

REQUIREMENTS	DOCUMENTATION REQUIREMENTS
<p>The Bidder shall have sufficient financial strength to perform the contract which means, but is not limited to:</p> <ul style="list-style-type: none"> - Turnover - Equity Ratio (equity/total assets in %) 	<p>The Bidder's financial statement (annual accounts) including notes and the management and the auditor's report from the last year.</p> <p>The Purchaser reserves the right to demand / obtain additional information to verify that the Bidder has the sufficient financial strength. If the financial statement from the previous financial year is not completed by the Pre-qualification deadline, the statements from the previous year as well as a provisional statement for current year shall be attached.</p> <p>The Purchaser shall submit a credit rating report from a recognized credit rating company.</p> <p>The required information mentioned above shall also be attached for the Bidder's parent company if applicable.</p> <p>The Bidder must be prepared to admit the Purchaser to complete a financial analysis of the Bidder's ability to fulfil the requirements of the contract.</p> <p>This document shall be marked attachment no. 5</p>

7.5 Requirements on Technical and Professional Qualifications

REQUIREMENTS	DOCUMENTATION REQUIREMENTS
<p>The Bidder shall have relevant experience from performing similar contracts (experience).</p> <p>The Bidder shall have proven performance in concluded contracts of a similar nature (performance).</p>	<p><u>Experience/past performance:</u> A description of the three contracts the Bidder considers most relevant, performed during the last five years to show that the Bidder has sufficient relevant experience and proven performance. The description must include:</p> <ul style="list-style-type: none"> - A brief description of the contract. The description must document the contract's relevance. - The value of the contract - Duration - Reference: The Bidder must provide a contact person with each contracting party (name, telephone, e-mail) who is available to confirm the Bidder's information. - Certificate of Performance if available.

<p>The Bidder shall be able to perform maintenance and offer support to Nordic customers.</p>	<p><u>Service/maintenance:</u> A description of the Bidder's support level and availability for Nordic customers.</p> <p>This documentation shall be marked attachment no. 6</p>
<p>The Bidder shall be able to deliver according to the description of the procurement in 1.2 Objective and Scope.</p>	<p><u>Ability to deliver:</u> The Bidder shall respond yes or no to whether they are able to deliver according to the NDMA's requirements.</p> <p>This documentation shall be marked attachment no. 6</p>
<p>The Bidder should have a presence in Europe.</p>	<p><u>European presence:</u> A list of employees or offices in Europe, or employees/offices of collaborating partners/subcontractors.</p> <p>This documentation shall be marked attachment no. 6</p>
<p>The Bidder should be able to deliver the required number of radio units within six months of entering into the contract.</p>	<p><u>Best ability to deliver:</u> The Bidder shall respond yes or no to whether they are able to deliver according to the NDMA's requirements, and their estimated best delivery ability.</p> <p>This documentation shall be marked attachment no. 6</p>
<p>The Bidder should have concluded contracts for the supply of defence materiel with other governmental customers within the NATO alliance.</p>	<p><u>NATO customers:</u> Documentation of which customers the Bidder has contracted with, and for which product. May be the same as the references under the requirement for past performance and/or experience.</p> <p>This documentation shall be marked attachment no. 6</p>
<p>If the Bidder intends to use subcontractors or collaborating partners, they shall be qualified to perform.</p>	<p><u>Collaborating partners /subcontractors:</u> If any collaborating partners / subcontractors are offered as part of the Pre-qualification, the Bidder shall submit a description of the following:</p> <ul style="list-style-type: none"> • Name address, scope of responsibility and parts in the relationship, the formality of the relationship, and whether the Bidder has the intention of including the subcontractor as an active party in this tendering process. • An estimate of the percentage distribution of the financial value between the Bidder and subcontractor, in case of contract. • The way in which the commercial affiliation with collaborating partners is secured, or will be secured, i.e. contract or statement of commitment

	<ul style="list-style-type: none"> • Liability statement for each relevant subcontractor shall be enclosed, Annex C Liability Statement <p>If the Bidder chooses to change subcontractors, the Bidder shall notify the Purchaser immediately. The Purchaser reserves the right to deny approval of any subcontract if there are factual and objective grounds for such refusal.</p> <p><u>Contractor organisation and approvals:</u> An organisation chart shall be provided with names of managers for all units and for all special positions below. The organization chart shall be part of the tender and the names may be updated during Contract performance.</p> <p>This documentation shall be marked attachment no. 6</p>
<p>The Bidder should comply with relevant Quality Assurance Requirements/and have a relevant Quality Management System implemented.</p>	<p><u>Bidder's Quality Management:</u></p> <p>The bidder shall provide information about any implemented Quality Management System or Quality Assurance Requirements in use, including, if obtained, any valid certificates or licenses. This could be ISO9001, AQAP 2110, AQAP 2131, AQAP 2210 or other engineering relevant QMS or QAR.</p> <p>In accordance to this information the bidder shall also state the edition of implemented QMS or QAR in use.</p> <p>This documentation shall be marked attachment no. 7</p>

7.6 Social and Ethical Requirements

REQUIREMENTS	DOCUMENTATION REQUIREMENTS
<p>The Bidder shall take sufficient social and ethical responsibility</p>	<p>The Bidder shall by a self-declaration accept the requirements to human rights, environment and employee rights as they appear in Annex B, Ethical Statement for Suppliers.</p> <p>This document shall be marked attachment no. 8</p>

7.7 Award Criteria

7.7.1 Pre-qualification

The Bidders will be evaluated according to their qualifications. The NDMA will evaluate whether or not the Bidder is qualified to deliver radios of the quality and number required. In

order to be qualified the Bidder must fulfil every requirement marked "shall" in point 7 Pre-Qualification requirements.

The NDMA will evaluate the Bidders' proven capacity to deliver according to similar contracts, references from previous clients, and whether the Bidder can offer adequate support following the delivery of the radios. The criteria are listed according to priority, but have not been assigned a specific weighting. Based on these criteria the NDMA will accept a minimum of 3 qualified Bidders who are invited to tender.

7.7.2 **Tender phase**

Qualified Bidders will be invited to tender. Submitted Tenders will be evaluated according to the criteria listed in the technical requirements appendix to the Tender documents, as well as the results of tests of the radios. Bidders who are successful in the pre-qualification phase will be given more detailed information about the award criteria in the Tender phase.

The Tenders will be evaluated based on:

- The fulfilment of technical requirements. If a tender does not fulfil all the shall requirements, the tender may not be considered, in accordance with FOSA § 11-13.
- The results of field tests.

The above criteria are not listed according to priority or weighting. Based on these criteria the NDMA will evaluate the Tenders and decide which Tenderer to enter into contract with.

Unsuccessful Bidders and Tenderers will be given a short explanation of why they were unsuccessful.