



# NORWEGIAN DEFENCE MATERIEL AGENCY

## **Invitation to Pre-Qualification** 2026011900-6

Procurement of All-Terrain Vehicles (ATVs 6x6) and  
Snowmobiles

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## 1 INTRODUCTION

### 1.1 Invitation

The Norwegian Defence Materiel Agency (NDMA) hereby invites suppliers to pre-qualification for the procurement of all-terrain vehicles (ATVs 6x6) and snowmobiles with military adaptations.

The procurement will be carried out as a negotiated procedure with pre-qualification of candidates.

This document describes the rules and procedures for the pre-qualification.

### 1.2 The Contracting Authority

NDMA is the contracting authority and is responsible for carrying out the procurement procedure.

NDMA is an agency in the Norwegian Defence Sector, directly subordinate to the Norwegian Ministry of Defence (MoD). NDMA shall ensure that the Norwegian Armed Forces (Armed Forces) and other agencies in the defence sector shall have access to cost-efficient and safe materiel in accordance with adopted long-term plans. NDMA's main tasks are planning, procurement, management, and disposal of materiel for the Armed Forces and other MoD agencies.

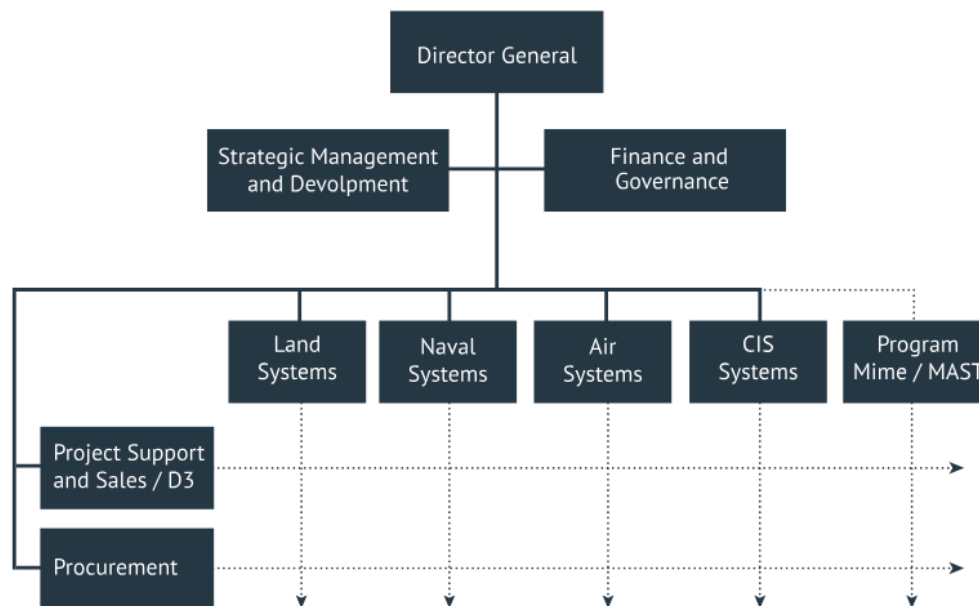


Figure 1 NDMA Organisation

More information is available at [www.fma.no/en](http://www.fma.no/en)

### 1.3 The Users of the Contract

The contracting authority enters into this agreement on behalf of the MoD and its underlying agencies:

- the Norwegian Armed Forces
- the Norwegian Defence Estates Agency
- the Norwegian Defence Materiel Agency

- the Norwegian Defence Research Establishment

## **2 THE PROCUREMENT**

### **2.1 Scope of the Procurement**

The scope of the procurement includes the purchase of snowmobiles and 6x6 all-terrain vehicles (ATVs) with adaptations needed to meet military operational requirements.

### **2.2 Options**

The framework agreement will have a duration of three (3) years from the date of signature.

The contracting authority may prolong the framework agreement up to an additional four (4) years, so that the total contract period may amount to a maximum of seven (7) years including options.

The options may be exercised as follows:

- One single extension of four (4) years.

### **2.3 Framework Agreement**

The contracting authority intends to enter into a non-exclusive framework agreement with a single supplier.

The contracting authority intends to make the following call offs in relation to contract signing: 200 000 000 NOK.

### **2.4 Division into lots**

The contract is not divided into lots.

Tenders for only parts of the procurement's scope will be rejected.

### **2.5 Duration of the Contract/Time limit for completion**

The duration of the framework agreement will be three (3) years from the effective date of the agreement, with the possibility of prolongation of up to seven (7) years, cf. section 2.2.

Further information will be provided in the invitation to tender.

### **2.6 Value of the Procurement**

The estimated total value of the supplies for the entire duration of the framework agreement, including all options, is 385 000 000 NOK excluding VAT.

The maximum total value of the supplies/services for the entire duration of the framework agreement, including all options, is 710 000 000 NOK excluding VAT. The contracting authority reserves the right to terminate the framework agreement when the maximum total value is reached.

### 3 GENERAL INSTRUCTIONS

#### 3.1 Procurement Laws and Regulations

The procurement is carried out in accordance with the Act of 17 June 2016 No 73 on public procurement (anskaffelsesloven), and the Regulations of 4 October 2013 No 1185 on defence and security procurement (forskrift om forsvars- og sikkerhetsanskaffelser, FOSA), part I and II.

The contracting authority will furthermore carry out the procurement in accordance with its internal instruction of 1 January 2026 Retningslinjer for anskaffelser i forsvarssektoren, (RAF) part I and II. Note, that the internal instruction does not grant any rights to third parties, including potential and actual candidates and tenderers, cf. RAF section 1-2.

Candidates and tenderers shall take due care of the provisions of the Norwegian Competition Act of 5 March No. 12 according to which cooperation between suppliers may be considered a violation.

#### 3.2 The Procurement Procedure and Phases

##### 3.2.1 Procurement Procedure

The procedure will be carried out as a negotiated procedure, with the following two phases:

- The Pre-Qualification Phase
- The Tender Phase

##### 3.2.2 The Pre-Qualification Phase

The procurement procedure begins with the pre-qualification phase, where all interested candidates may submit a request to participate. Candidates will have to meet the qualification requirements in accordance with section 4.

In the pre-qualification phase, the contracting authority will assess and verify the qualifications of the candidates and absence of grounds for exclusion. Only suitable candidates will be invited to tender.

Note, that contracting authority have limited the number of suitable candidates that will be invited to tender, cf. Section 4.5

#### Security of Supply

No.	Qualification requirement	Documentation requirements
QR9	The legal ownership of the candidate must not represent a security risk for Norway.	<p>The candidate shall document its legal organization, including ownership structure and any group affiliation.</p> <p>The organization charts shall include:</p> <ul style="list-style-type: none"><li>- Parent company and other shareholders, including ultimate beneficial ownership</li><li>- Subsidiaries and sister companies, including ownership shares and ultimate beneficial ownership</li><li>- Listed companies shall disclose at least their 10 largest shareholders</li></ul>

		<p>The documentation shall consist of complete organization charts showing legally correct company names, organization numbers, and the jurisdiction in which each company is domiciled.</p> <p>The documentation must be updated as of the submission date.</p>
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Selection Criteria.

### 3.2.3 The Tender Phase

The tender phase begins with the Invitation to tender. Only invited candidates will be allowed to submit tenders.

After submission of tenders, the contracting authority will negotiate with tenderers in order to adapt the tenders to the requirements set out in the Procurement Documents. The purpose of the tender phase is to seek out the best tender in accordance with the award criteria.

The negotiated procedure will take place in successive stages, and the contracting authority reserves the right, after each stage, to reduce the number of tenders to be negotiated. The contracting authority also reserves the right to make an initial reduction of tenders to be negotiated prior to the negotiations.

Any reduction will be made by applying the award criteria on the submitted tenders.

Further information on the tender phase will be provided in the Invitation to tender.

## 3.3 Procurement documents

### 3.3.1 The Invitation to Pre-qualification

The Invitation to pre-qualification describes the rules and procedures for the pre-qualification phase of the procurement procedure, including the qualification requirements and selection criteria that apply to the pre-qualification of candidates.

The Invitation to pre-qualification consists of the following documents:

Document	Name of the document
Main document	Invitation to pre-qualification (this document)
Appendix 1	<b>Feil! Fant ikke referansekilden.</b> (template)
Appendix 2	Declaration of Commitment from entities on which the candidate relies to fulfil qualification requirements (template)
Appendix 3	Ethical guidelines for contact with business and industry in the defence sector
Appendix 4	Norwegian Defence Materiel Agency Ethical Requirements to all Contractors
Appendix 5	Prudence, Non-disclosure and Conflict of Interest
Appendix 6	Self-declaration (template)

Appendix 7	Regulations for Industrial Co-operation related to Defence Acquisitions from Abroad
Appendix 8	Compliance matrix ISO 9001:2015 vs. candidate's quality management system (QMS)

### 3.3.2 The Invitation to Tender and Contract Documents

The contracting authority will send an Invitation to tender only to candidates who are pre-qualified and selected in accordance with the selection criteria.

The invitation will provide further information on the rules and procedures for the tender phase, including the award criteria. The invitation will also include the detailed specifications and the draft contract, as well as any supporting documents.

If any of these documents cannot be made available directly through Mercell, the invitation will provide information on how to access the documents.

## 3.4 Procurement schedule

### 3.4.1 Schedule for the Pre-qualification Phase

The contracting authority plans to carry out the pre-qualification phase in accordance with the following time schedule:

Activity	Date
Dispatch of Contract Notice in Doffin/TED	03.06.2026
Deadline for submission of questions to the Invitation to pre-qualification	17.06.2026
<b>Deadline for submission of requests to participate</b>	<b>03.07.2026 at 23:59 CEST</b>
Pre-qualification and, if needed, selection of candidates	07, 2026
Notification of pre-qualification result to rejected / non-selected candidates	14.08.2026
Deadline for application for preliminary injunction	15 days from notification of pre-qualification result

All dates, except for the deadline for submission of the request to participate, are tentative and might be subject to changes at the contracting authority's discretion. The contracting authority will inform tenderers of any changes to the procurement schedule through Mercell.

### 3.4.2 Schedule for the Tender Phase

The contracting authority plans to carry out the tender phase in accordance with the time schedule below. All dates are tentative.

Activity	Date
Invitation to tender is sent to pre-qualified candidates	31.08.2026
Bidders conference	09.09.2026

Deadline for submission of questions to the Invitation to tender *	29.09.2026
Deadline for submission of tenders	09.10.2026
Negotiations and evaluation phase	Oct/Nov 2026
Notification of contract award	December 2026
Standstill period	Minimum 10 days from the day following contract award
Contract signing	December 2026
Tender validity date	22.03.2027 15:00

\*Questions may not be answered during week 28, 29, 30 and 31.

### 3.5 Communication

Mercell will be used as the electronic tool for the execution of the procurement procedure.

All communication and information exchange in this procurement procedure shall be conducted electronically through MerCell. This means, e.g., that registration for the procedure and the submission of the request to participate and tenders is done through MerCell.

There shall be no communication with any other representative of the contracting authority or other agencies in the defence sector about this procurement procedure.

### 3.6 Questions and Changes to the Procurement Documents

The candidates shall review the Procurement Documents carefully and notify the contracting authority without undue delay if errors, ambiguities, or inconsistencies are found. Errors, ambiguities, or inconsistencies that a diligent candidate should have discovered when reviewing the Procurement Documents before submission of the request to participate, cannot later be invoked as a basis for claims against the contracting authority.

The candidates have the opportunity to ask questions and request further information concerning the Procurement Documents. Such questions and requests shall be submitted in writing through MerCell within the deadlines specified in Section 3.4.1.

The questions and answers, in an anonymized form, will be made available to all candidates in MerCell. The contracting authority will, if relevant, provide answers in the form of updated and or/supplementary documents, enhanced descriptions and clarifications.

The contracting authority also reserves the right to make other corrections, additions, and changes to the Procurement Documents. All changes etc. will be made available in MerCell.

Updated versions of the Procurement Documents will be made available in MerCell, and candidates shall at all times adhere to the latest available version. To receive notifications of changes etc. in the Procurement Documents, the candidates must register their intent to participate in the procurement portal.

### 3.7 Language

All communication in this procurement procedure, including requests to participate, tenders and required documentation, shall be submitted in English or Norwegian unless otherwise specified. Underlying documentation can be in another Scandinavian language. Official documents, e.g.



certificates of registration and tax certificates, can also be accepted in other languages when the original document is provided together with a translation from an authorized translator.

Negotiations may be conducted in Norwegian or English, and the contract will be issued in either Norwegian or English.

After the contract is signed, the working language of the project will be Norwegian or English, depending on what is most appropriate for the parties.

### **3.8 Admission or Prohibition of Variants**

The contracting authority does not authorise variants.

### **3.9 Award Criteria**

The framework agreement will be awarded on the basis of the tenders with the best price-quality ratio according to award criteria representing the most economically advantageous tender.

Further information on the award criteria will be provided in the Invitation to Tender.

### **3.10 Termination of the procurement procedure**

The contracting authority can terminate the procurement procedure if there are reasonable grounds for such actions, cf. FOSA section 13-1, for example due to the loss of planned financing or lack of political approval, or if the result of the qualification process provides reasonable grounds for such a decision.

### **3.11 Cost of Participation etc**

Costs incurred by the candidates and tenderers in connection with the preparation, submission or follow-up of the request for participation and tenders, as well as the procurement procedure in other respects, are the complete responsibility of the candidate/tenderer and will not be reimbursed.

The contracting authority is not committed to contract with any candidate or tenderer, and the participation of candidates/tenderers in the procurement procedure will not impose any economic obligations on the contracting authorities towards the candidates or tenderers.

### **3.12 Place of Meetings**

Meetings and negotiations relating to this procurement procedure will primarily take place in the Oslo area and electronically.

### **3.13 Visitor Permits and Security Clearances**

The candidate is responsible for obtaining the necessary visitor permits and security clearances for its participation in any meetings and negotiations in military areas.

Foreign citizens must submit a request for visit through their respective embassies in accordance with the procedures as described here: [www.forsvaret.no/en/contact/request-for-visit](http://www.forsvaret.no/en/contact/request-for-visit).

### **3.14 Duty of Confidentiality and Public Access to Information**

#### **3.14.1 Duty of Confidentiality**

The candidate and his representatives shall protect confidential information made available to them in connection with the procurement.

### **3.14.2 Public Access to Information**

For the general public's access to documents relating to a public procurement, the Freedom of Information Act of 19 May 2006 No. 16 and the non-disclosure regulation in the Public Administration Act of 10 February 1967 apply.

Pursuant to the Norwegian Freedom of Information Act section 23, paragraph 3, tenders, including request for participation, and procurement protocols are considered public documents after the contract award. Information considered trade secrets is, however, exempt from public access pursuant to the Freedom of Information Act section 13, cf. the Norwegian Public Administration Act section 13 and FOSA section 3-4.

The candidate shall thus enclose a redacted version of the request to participate where contents considered trade secrets are redacted. The redacted version of the request shall be accompanied by a list of redacted contents and a short account as to why the contents is considered trade secrets. The contracting authority is nevertheless obliged to conduct an independent assessment of the request and exempt information from public access only by statutory authority.

### **3.14.3 Collaboration in the Defense Sector**

The submission of a request to participate grants the contracting authority the right to share any submitted information with other competent authorities in the defence sector to the extent needed to carry out the procurement.

The contracting authority may also share any submitted information with other competent authorities in the defence sector in connection with audits, controls and/or checks. The defence sector may also collaborate with competent official bodies in the State in which the candidate is established, subject to that body's agreement with the competent Norwegian authority.

### **3.15 Ethical guidelines**

NDMA and all employees in the defence sector shall act in accordance with good business practice and pursue the highest ethical standards throughout all stages of the procurement procedure. Likewise, the contracting authority expects that all candidates, tenderers and suppliers adhere to good business practice and pursue the highest ethical standards. Reference is made to Appendix 3 – *Ethical guidelines for contact with business and industry in the defence sector* and Appendix 5 – *Prudence, Non-disclosure and Conflict of Interest*

The candidate shall in the request to participate, in Appendix 6 – *Self-declaration*, confirm that it accepts and complies with the ethical guidelines in Appendix 3 – *Ethical guidelines for contact with business and industry in the defence sector*, Appendix 4 – *Norwegian Defence Materiel Agency Ethical Requirements to all Contractors* and Appendix 5 – *Prudence, Non-disclosure and Conflict of Interest*.

Should the candidate be in one of the situations referred to in FOSA section 11-12, this shall be clearly stated in in *Appendix 6*, in accordance with section 4.7.

## **4 INSTRUCTIONS TO CANDIDATES**

### **4.1 About Qualification Requirements**

The qualification requirements are the minimum requirements relating to the candidates' ability to perform the contract. The purpose of the qualification requirements is to ensure that

candidates have the necessary organisation, financial standing and technical and professional abilities.

The contracting authority will make its assessment of candidates' suitability based on the information provided by candidates in their requests to participate. Candidates are responsible for ensuring that all requested documentation is submitted and that all questions and requirements are answered. The contracting authority may, but is not under an obligation to, invite candidates to supplement or clarify the certificates and documents submitted in accordance with FOSA section 12-4.

The contracting authority reserves the right to perform a financial due diligence (FDD) (including to obtain credit statements or credit ratings from a credit agency) and/or an integrity due diligence (IDD) to verify the information provided by candidates and to examine whether there are any grounds for exclusion, cf. FOSA section 11-12. Any DD may be performed at any time throughout the procurement process.

Candidates who do not comply with all qualification requirements will be rejected.

The contracting authority will limit the number of otherwise qualified candidates to be invited to tender by applying the selection criteria in section 4.5.

## **4.2 Reliance on the Capacities of Other Entities**

The candidate may rely on the capacity of other entities ("supporting entities") in order to meet the qualification requirements relating to economic and financial capacity (cf. section 4.3.2), as well as technical and professional qualifications (cf. section 4.3.3). Supporting entities may include, for example, parent companies, subcontractors or similar.

Where a candidate intends to rely on the capacity of other entities, the candidate must demonstrate that it has access to the necessary resources. This shall be done by submitting Appendix 2 – Declaration of Commitment from entities on which the candidate relies to fulfil qualification requirements.

Supporting entities must be legally established companies, and their ownership structure must not pose a risk to national security. They must meet the relevant requirements set out in sections 4.3.1 and 4.3.5, and the same documentation requested under these requirements must also be submitted for the supporting entities.

A candidate cannot rely on the capacity of other entities to fulfil requirements relating to organizational and legal position (section 4.3.1), management systems (section 4.3.4) and security of supply (section 4.3.5).

However, where a candidate relies on other entities to meet the requirements concerning the candidate's technical and professional ability (section 4.3.3), such entities must also comply with the management system requirements set out in section 4.3.4 for the scope they will perform.

For services not performed by supporting entities, the candidate itself must comply with the management system requirements in section 4.3.4.

## **4.3 Qualification Requirements**

The candidate must comply with all qualification requirements in this section in order to be prequalified. For each requirement, the corresponding documentation requirements are

specified to demonstrate and verify compliance. Candidates must ensure that all requested documentation is submitted.

In addition, supporting entities must also comply with the relevant qualification requirements, as set out in section 4.2. Specifically, each supporting entity must comply with the following requirements:

- Section 4.3.1 (organisational and legal position) and section 4.3.5 (security of supply)
- Section 4.3.2 (economic and financial standing), if reliance on supporting entities to fulfil the requirements related to economic and financial capacity.
- Section 4.3.3 (technical and professional qualifications), if reliance on supporting entities to fulfil the requirements concerning technical and professional qualifications.
- Where a candidate relies on supporting entities to fulfil the requirements concerning technical and professional qualifications (section 4.3.3), the supporting entity must also comply with the management system requirements set out in section 4.3.4 for the scope involved.

#### 4.3.1 Requirements Concerning the Candidate's Organisational and Legal Position

No.	Qualification requirement	Documentation requirements
QR1	The candidate shall be a legally established company, registered in a professional, trade or business register in its state of origin or establishment.	Current <b>certificate of registration</b> shall be submitted.
QR2	The candidate shall have fulfilled its obligations relating to the payment of tax and VAT in accordance with the legal provisions of the country in which it is established.	<p><b>Tax certificate</b> no older than 6 months from the date of submission of the request to participate shall be submitted.</p> <ul style="list-style-type: none"> <li>- <u>For Norwegian candidates:</u> a Certificate of tax and VAT, FORM 1316 from Skatteetaten (skatteattest) is acceptable.</li> <li>- <u>For foreign candidates:</u> a certificate issued by the competent authority in the state concerned shall be submitted. If the state does not issue such certificates, it may be replaced by a self-declaration which confirms that all taxes and duties are paid. The declaration must be approved and signed by the candidate's CFO/Financial Manager.</li> </ul>
QR3	The supplier shall adhere to high standards of business ethics and conduct itself in accordance with good business practice in all interactions with the contracting authority. It is a prerequisite that the supplier accepts and complies with the	A completed and signed <b>Appendix 6 – Self-Declaration</b> shall be submitted.

	ethical guidelines applicable to suppliers to the Ministry of Defence and its subordinate agencies.	
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#### 4.3.2 Requirements Concerning the Candidate's Economic and Financial Standing

No.	Qualification requirement	Documentation requirement
QR4	<p>The candidate shall have the necessary economic and financial standing to perform the contract.</p> <p>The candidate shall have an overall turnover of minimum EUR 30,000,000 each over the last three years.</p>	<p><b>Audited Financial Statements</b> Audited, board-approved financial statements for the past three fiscal years, including the auditor's report shall be submitted.</p> <p>If the most recent financial year's accounts are not yet available, provisional accounts for that year shall be submitted.</p> <p><b>Credit Rating Statement</b> A credit rating statement, including key financial figures for the past three fiscal years, issued by a recognised credit agency shall be submitted. The statement must be <i>no older than three months</i> at the time of submission.</p> <p><b>Additional Financial Information</b> Any additional information relevant to the candidate's financial position, including planned mergers/demergers or capital or debt changes not reflected in the financial statements shall be submitted.</p> <p><b>Alternative Documentation</b> If, for any valid reason, the candidate is unable to provide the requested documentation, for instance if the candidate is a newly established entity, it may prove its economic and financial standing by any other document which the contracting authority considers appropriate.</p>

#### 4.3.3 Requirements Concerning the Candidate's Technical and Professional Ability

No.	Qualification requirement	Documentation requirement
QR5	<p>The candidate shall have the necessary experience to perform the contract, including relevant experience from similar contracts</p> <p>Similar contracts are delivery of ATVs and/or snowmobiles with military adaptations.</p>	<p>A list of the most relevant references for supply contracts provided in the past 10 years shall be submitted. The list shall include the following information:</p> <ul style="list-style-type: none"> <li>- Recipient name</li> <li>- Brief description of the contract</li> <li>- The value of the contract</li> <li>- The dates</li> </ul>

		- Contact person (name, telephone and e-mail)
QR6	The candidate shall have the necessary technical and professional capacity, including the skills, efficiency, expertise and reliability required to perform the contract.	<p>The following shall be submitted:</p> <ul style="list-style-type: none"> <li>- A description of the technicians or technical bodies involved, whether or not they belong directly to the candidate's undertaking, especially those responsible for quality control</li> <li>- A statement of the average annual manpower of the candidate and the number of managerial staff for the last three years</li> <li>- A description of how they will ensure the availability of spare parts for the supplied systems for a minimum period of ten (10) years, including how continuity of supply will be maintained.</li> <li>- A brief description of which entities involved in the delivery of the contract and their respective roles, where reliance is placed on other entities (cf. section 4.2).</li> </ul> <p>If, for any valid reason, the candidate is unable to provide the requested documentation, it may prove its technical and/or professional ability by any other document which the contracting authority/entity considers appropriate.</p>

#### 4.3.4 Requirements Concerning Management Systems

No.	Qualification requirement	Documentation requirement
QR7	The candidate shall have established, implemented, and maintained a quality management system with relevant scope for the contract, that complies with the requirements of ISO 9001:2015, or equivalent standard.	<p><b>ISO 9001:2015 Certificate or Equivalent Standard</b> The candidate shall submit a copy of a valid ISO 9001:2015 certificate issued by an accredited third-party certification body. The scope of the certificate shall be clearly described, as required by ISO 9001:2015 para. 4.3, and must cover all areas and activities involved in the deliveries under this contract.</p> <p>If the candidate does not hold an accredited ISO 9001:2015 certificate, the candidate may submit a valid certificate issued by an accredited third-party certification body for a recognized equivalent international quality management standard.</p> <p><b>Alternative documentation (Appendix 8)</b> If the candidate does not have an accredited third-party certification, the candidate shall fill out and send in the enclosed compliance matrix in Appendix 8, demonstrating the correlation between ISO 9001:2015 and the candidate's quality management system (see</p>

		the Information Explanation in the compliance matrix).
QR8	The candidate shall have established, implemented, and maintained an environmental management system.	<p><b>ISO 14001 Certificate or Equivalent Standard</b></p> <p>If the candidate is certified to ISO 14001, the candidate shall submit a copy of a valid certificate issued by an accredited third-party certification body, confirming that the candidate's environmental management system complies with the standard.</p> <p>If the candidate does not hold an ISO 14001 certificate, the candidate may submit a valid certificate issued by an accredited third-party certification body for a recognized equivalent environmental management standard.</p> <p><b>Alternative Documentation</b></p> <p>If the candidate is not certified to such a standard, the candidate shall submit a description of its environmental management system.</p>

#### 4.3.5 Security of Supply

No.	Qualification requirement	Documentation requirements
QR9	The legal ownership of the candidate must not represent a security risk for Norway.	<p>The candidate shall document its legal organization, including ownership structure and any group affiliation.</p> <p>The organization charts shall include:</p> <ul style="list-style-type: none"> <li>- Parent company and other shareholders, including ultimate beneficial ownership</li> <li>- Subsidiaries and sister companies, including ownership shares and ultimate beneficial ownership</li> <li>- Listed companies shall disclose at least their 10 largest shareholders</li> </ul> <p>The documentation shall consist of complete organization charts showing legally correct company names, organization numbers, and the jurisdiction in which each company is domiciled.</p> <p>The documentation must be updated as of the submission date.</p>

#### 4.4 Selection Criteria

The contracting authority will limit the number of otherwise qualified candidates to three, who will be invited to tender. The contracting authority reserved the right to continue the procedure even if fewer than three candidates are qualified.

The candidates who will be invited to tender will be chosen based on the following criteria:

Nr.	Selection criteria	Documentation requirements	Weight
S1	The candidate with the most relevant experience from similar deliveries with particular focus on references on efficiency, experience, and reliability.	Documentation submitted in relation to QR5.	40 %
S2	The contracting authority will assess the extent to which the candidate has sufficient technical capacity, infrastructure, and resources that provides assurance for the successful performance of the framework agreement.	Documentation submitted in relation to QR6.	40%
S3	The contracting authority will assess the extent to which the candidate demonstrates robust, stable, and sustainable financial capacity that provides assurance of its ability to fulfil the obligations under the framework agreement throughout its duration.	Documentation submitted in relation to QR4.	20%

#### 4.5 Submission of Requests to Participate

Requests to participate shall be electronically submitted through Merzell before the deadline set out in section 3.4.1.

Files shall be submitted in Microsoft Office or PDF format. Files shall be named so that the file name refers to the file's content and the structure of the answers. Candidate shall create one file per requirement, see table below.

The request to participate shall contain the following documents and shall be structured as follows:

No.	Document name	Reference
1	Request to participate	Appendix 1 (template)
2	Declaration of commitment	Appendix 2 (template), cf. section 4.2
3	Self-declaration	Appendix 6 (template), cf.



		section 4.3.1 QR3, 4.7 and 4.8
4	Certificate of registration	Section 4.3.1, QR1
5	Tax certificate	Section 4.3.1, QR2
6	Documentation on economic and financial capacity	Section 4.3.2, QR4
7	Documentation on technical and professional qualifications	Section 4.3.3, QR5 & QR6
8	Documentation on management systems	Section 4.3.4, QR7 & QR8, Appendix 8
9	Documentation on requirements for security of supply	Section 4.3.5, QR9
10	Redacted version of the request to participate	Section 3.14.2
11	List of redacted content	Section 3.14.2

#### 4.6 Exclusion of Candidates

The grounds for exclusion in FOSA section 11-12 apply. The candidate shall familiarize itself with these provisions.

The candidate shall in the request to participate, in Appendix 6 - *Self-declaration*, confirm that it is not in any of the situations referred to in FOSA section 11-12. If the candidate is in such a situation, it shall provide details of the relevant exclusion grounds. In that case, the candidate may provide evidence to the effect that the candidate has taken measures that sufficiently demonstrates its reliability despite the existence of the relevant exclusion ground.

As regards the exclusion ground in FOSA section 11-12 relating to the payment of social security contributions, taxes and VAT, the candidate shall in the request to participate also submit a tax certificate, no older than 6 months from the date of submission of the request to participate, cf. also FOSA section 8-17.

- For Norwegian candidates this means that a Certificate of tax and VAT, Form RF 1316 from Skatteetaten (skatteattest) shall be submitted.
  - For foreign candidates, a certificate issued by the competent authority in the state concerned shall be submitted. If the state concerned does not issue such certificates, it may be replaced by a self-declaration which confirms that all taxes and duties are paid.
- The declaration must be approved and signed by the candidate's CFO/Financial Manager.

Note, that where the contracting authority have doubts concerning the personal situation of candidates or tenders, it may apply to competent authorities to obtain any information it considers necessary on the personal situation of the candidates concerned. Where the information concerns a candidate established in another State, the contracting authority may seek the cooperation of the competent authorities in that State.

#### **4.7 Compliance with Sanctions Laws**

Pursuant to the Regulations of 15 August 2014 No. 107 on restrictive measures regarding actions that undermine or threaten the territorial integrity, sovereignty, independence and stability of Ukraine (the Ukraine Sanctions Regulations) section 8n, it is prohibited to award public contracts covered by FOSA part II to:

- a) a Russian national, or a natural person or legal person, entity or body established in Russia;
- b) a legal person, entity or body whose proprietary rights are directly or indirectly owned for more than 50% by natural or legal persons, entities or bodies referred to in point a above; or
- c) a natural or legal person, entity or body acting on behalf of or at the direction of a natural or legal person, entity or body referred to in point a or b above,

including, where they account for more than 10 % of the contract value, subcontractors, suppliers or entities whose capacities are being relied on within the meaning of FOSA.

Pursuant to the Ukraine Sanctions Regulations, such candidates will be rejected from this procurement procedure.

Furthermore, contracting authority expects that the candidate is not in violation of any other Sanctions Laws, and that neither the candidate nor any of its directors or leading employees engaged or to be engaged, are:

- a) listed on any list of entities, persons or bodies subject to sanctions under any Sanctions Laws; nor
- b) owned, controlled by, or act on behalf of any person, body or entity listed on any list of entities, persons and bodies subject to sanctions under any Sanctions Laws.

Sanctions Laws means any law, resolutions and/or regulations, trade embargoes, restrictive measures and/or decisions implemented, adopted, imposed and/or enforced by any competent authority, including, but not limited to, the Norwegian state, the United Nations, the European Union and the United States of America directed at prohibiting or restricting dealings with certain countries, territories, governments or specifically designated persons or entities.

The contracting authority will consider, at its own discretion, rejecting a candidate if the candidate is in violation of the above, cf. FOSA section 11-12 (2) letter d or h.

The candidate shall in the request for participation, in *Appendix 6 – Self-declaration*, confirm that it is not in a situation as referred to in section 8n of the Ukraine Sanctions Regulations and that it is otherwise not in violation of the above. If the candidate is in violation of the above, the candidate shall describe the violation as well as give an account of appropriate self-cleaning measures that have been or will be implemented.

The supplier shall warrant and represent the same in the contract, cf. section 5.7.

If the candidate is a group of economic operators (e.g., a Joint Venture), the required information shall be provided for each individual group member.

If the candidate, or a group member in case the candidate is a group of economic operators, is part of a group and/or another company or other companies have control of the candidate or

such group member, the contracting authority requests the required information also from the ultimate parent company of the group/the ultimate controlling company.

#### **4.8 Deadline for Request for Preliminary Injunction**

Any request for a preliminary injunction against the contracting authority's decision to reject a request to participate or not select a candidate shall be submitted to the court within 15 days after such a notice is sent, cf. FOSA section 10-6.

### **5 CONDITIONS FOR PERFORMANCE OF THE CONTRACT**

#### **5.1 General**

The invitation to tender will include the draft contract. This will include such contract provisions as required pursuant to RAF section 16-1.

In the following subsections, particular conditions to which the performance of the contract will be subject are described.

#### **5.2 Subcontracting**

When using sub-suppliers, the supplier remains bound by its obligations to the contracting authority under the agreement and retains sole responsibility for carrying out the procurement.

The supplier shall ensure sub-suppliers' compliance with all requirements and obligations in the contract. The supplier shall further ensure that the intellectual property that may be generated by a sub-supplier reverts to the supplier so that the supplier can meet its obligations towards the contracting authority.

Tenderers who intend to use sub-suppliers will be required to provide information about the share of the contract that the candidate intends to subcontract to third parties, the proposed subcontractors, and the subject-matter of the subcontracts for which they are proposed.

For such subcontractors that contribute to significant performance of the contract, the tenderer shall also provide information in the tender about the legal organization of these subcontractors in terms of ownership structure and any group affiliation, cf. further details in the invitation to tender. This is to ensure that the subcontractors' ownership does not represent a national security risk.

The contracting authority reserves the right to demand substitution of proposed subcontractors if there are justifiable reasons for such replacement.

#### **5.3 Security of supply**

The contract will specify the security of supply requirements.

The tender shall contain documentation as to the fulfilment of these requirements in accordance with FOSA section 8-8.

#### **5.4 Transparency and Work with Fundamental Human Rights and Decent Working Conditions**

The contract will contain requirements to promote basic human rights and decent working conditions.

Suppliers that are subject to the Act of 18 of June 2021 No. 99 relating to enterprises' transparency and work on fundamental human rights and decent working conditions (Transparency Act), must ensure compliance with all legal obligations of the Transparency Act.

All suppliers, irrespective of being subject to the Transparency Act, shall promote fundamental human rights and decent working conditions in its own operations and its' supply chain for the execution of the contract. This includes providing the contracting authority with:

- i) the necessary information related to the supplier to identify and assess actual and potential adverse impacts on fundamental human rights and decent work conditions that are directly linked with the execution of the contract,
- ii) corresponding information relating to the supplier's supply chain, and
- iii) immediate notification of any material adverse incident affecting fundamental human rights or decent work conditions.

## **5.5 Compliance with Sanctions Laws**

The supplier will in the contract be required to warrant and represent that it is in compliance with Sanctions Laws, cf. section 4.8.

## **5.6 Industrial Co-Operation**

The Royal Norwegian Ministry of Defence (MOD) has decided that an industrial co-operation agreement will apply to suppliers and sub-suppliers located outside the European Economic Area (EEA).

### For suppliers located outside the EEA:

An industrial co-operation agreement is required, in accordance with the Regulations for Industrial Co-operation related to Defence Acquisitions from Abroad (RIC), cf. Appendix 7 – *Regulations for Industrial Co-operation related to Defence Acquisitions from Abroad* and standard agreements for industrial co-operation, cf. Appendix 7).

A tenderer located outside the EEA shall in its tender state its commitment to enter into such agreement without making any reservations to the RIC and standard agreements.

Such a tenderer shall also in the tender describe (in a separate annex) how it intends to fulfil the industrial commitment. The annex shall include descriptions of contracts or arrangements entered into, or currently being negotiated, with Norwegian industry.

### For suppliers located within the EEA with sup-suppliers located outside the EEA:

An industrial co-operation agreement is required, in accordance with the Regulations for Industrial Co-operation related to Defence Acquisitions from Abroad (RIC), cf. Appendix 7 – *Regulations for Industrial Co-operation related to Defence Acquisitions from Abroad* and standard agreements for industrial co-operation, cf. Appendix 7) where the value of the sub-contract exceeds 50 million NOK. This requirement also applies if the supplier and sub-supplier belong to the same corporation.

A tenderer using sup-suppliers located outside the EEA shall in its tender, on behalf of its' sub-suppliers, state their commitment to enter into such agreements without making any reservations to the RIC and standard agreements.

Such a tenderer shall also describe (in a separate annex) how its' subcontractors located outside the EEA intend to fulfil the industrial commitment. The annex shall include descriptions of contracts or arrangements entered into, or currently being negotiated, with Norwegian industry.

### **5.7 NATO Quality Assurance Requirements**

The contract will include requirements for the supplier to comply with Allied Quality Assurance Publications (AQAP) 2110 – NATO Quality Assurance requirements Edition D as standard for the Contractors Quality Management System.

The contract will further include requirements for the contractor to flow down quality assurance requirements in compliance with AQAP-4107-SRD.2 AQAP Selection Guidance, Edition A version 1.