



INSTRUCTIONS TO TENDERERS

FOR PROCUREMENT OF:

NEW INTERNAL LIGHTING CLASS WLAB2

Project no.: 26-31

**Open competitive procedure
(FOR part I and II)**

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1. Introduction

Norske tog AS, hereinafter also referred to as the Contracting Authority / the Customer, invites to an open tender competition for the procurement of internal LED lighting on Class WLAB2.

1.1. Norske tog AS

Norske tog AS (Norske tog) is a state-owned limited liability company and was fissioned from the Norwegian State Railway NSB group April 2017, as a consequence of the reform of the Norwegian railway sector.

The company has, with a few exceptions, the ownership of all passenger rail vehicles and locomotives in Norway.

Norske tog' role in the market is to own and lease out rail vehicles or similar vehicles on equal terms to operators who receive a contract for the operation of passenger train traffic in Norway.

As a result of Norske tog having acquired ownership of all passenger vehicles, the organization will, among other things, be responsible for purchasing new vehicles and midlife upgrades of their own existing vehicles.

For more information about Norske tog, see www.norsketog.no.

1.2. Purpose and Scope of the Procurement

1.2.1. Purpose and Scope

Norske tog (NT) is required to phase out fluorescent lighting on most of its train fleet to maintain their intended service lifetime. This change is driven by government regulations mandating the phase out of fluorescent lighting in Norway, in accordance with the EU's RoHS Directive. Since both national and European manufacturers have ceased production of fluorescent tubes, an LED solution must be adopted to meet lighting requirements for rolling stock.

NT wishes to replace all internal lighting systems that currently do not use LED with an LED solution on Class WLAB2. NT is open to all solutions that replace the current system with LED.

For the complete description of the scope of delivery, see Appendix A "Scope of Work LED Lighting Class WLAB2".

1.2.2. Estimated value

The total value of this procurement is estimated between 5-6,5 MNOK ex. VAT over the lifetime of the contract. The estimate does not consist of any (purchasing) obligation for Norske tog.

1.2.3. Type of Contract

The work will be regulated by the Contract for purchase of goods and services. Norske tog

will award the contract to one supplier.

2. Administrative provisions

2.1. Procurement Procedure

This procurement process will follow the Public Procurement Act no. 73 of June 17th, 2016 (LOA), and the Regulations for public procurement no. 975 of August 12th 2016 (FOR).

Type of procurement: Services contract.

The estimated value is above the threshold, and the contract will be awarded in accordance with FOR part I and II.

Open tender procedure.

2.2. Electronic Competition Implementation Tool

This entire competition will be conducted in the Electronic Competition Implementation Tool from EU Supply Holding: Complete Tender Management (CTM).

2.3. The tender documents

The tender documents consist of the following:

Part I: Instruction to Tenderers

Part I contains procedures and the framework describing how the process will be carried out up to the point of contract award, as well as forms and templates for use by the supplier in preparing his tender. Part 1 includes the following documents:

- This document (Instruction to Tenderers)
- Annex 1 – Tender cover letter
- Annex 2 – Declaration of Commitment Form
- Appendix J – Reservations and Deviations

Any declarations of commitment will be incorporated as part of the contract. Any reservations or deviations shall be specified in Appendix J Reservations and Deviations and will be incorporated as part of the contract.

Part II: Draft Contract

Part II includes the draft contract, with its appendices, including Norske togs description of the project and requirements. The Supplier shall base its tender on the requirements and conditions set out in these documents. Part II consists of the following documents:

- General Contract Terms and Conditions
- Appendix A - Scope of Work LED lighting 5
- Appendix B – Prices & payment
- Appendix C – Specifications of Requirements 5
- Appendix D – Delivered Document Plan 5

- Appendix E – Document analysis 5
- Appendix F – Generisk EN15380-NT struktur 5
- Appendix G – System documentation
- Appendix H – Suppliers description
- Appendix I – Warranty
- Appendix J – Reservations and Deviations (if applicable)
- Appendix K – NTs Code of Ethical Conduct for Suppliers

2.4. Single point of contact – questions to the Tender documents

Contact with Norske tog takes place through the question and answer function in CTM.

Any questions the suppliers may have, must be submitted in writing in CTM and within the deadlines stated in CTM. All questions will be answered in anonymised form and made available to all suppliers.

Suppliers who do not have user access to CTM, and/or who have technical questions regarding the use of CTM, may contact Merzell support by telephone +47 21 01 88 60 or by email: Support@merzell.com.

2.5. Language

All written and oral communication in connection with this competition must take place in Scandinavian or English language. The language requirement also applies to the tender itself.

2.6. Schedule and deadlines

All relevant dates for the completion of the procurement are stated in CTM.

2.7. Tender Conference

A tender conference will not be held.

2.8. Inspection

Tenderers will be given the opportunity to conduct an inspection of a Class WLAB2 coach prior to the tender deadline. Inspections may be arranged by prior appointment with Norske tog. If the Tenderer wishes to conduct an inspection, Norske tog must be notified in CTM of this no later than September 14th. Norske tog will be present at the inspection.

2.9. Errors or vagueness in the Tender documents

If the Tenderers find errors or vagueness in the Tenders documents, the Tenderer are obligated to give an immediate notice to Norske tog, according to section 2.4.

2.10. Tendering Costs

Norske tog will not reimburse costs that Tenderer incurs in connection with preparation, delivery and follow-up of the tender.

Participation will in no way oblige Norske tog to enter into a contract with the Tenderer or involve Norske tog in financial obligations.

2.11. Corrections, Additions and/or Amendments to the Procurement Documents

Norske tog reserves the right, prior to the expiry of the tender submission deadline, to make corrections, additions and/or amendments to the procurement documents, provided that such changes are not substantial.

Any corrections, additions and/or amendments to the procurement documents will be published in CTM no later than six (6) days prior to the expiry of the tender submission deadline.

3. Confidentiality and transparency

3.10. Confidentiality

Both Tenderers and Norske tog have a duty to prevent others from gaining access to knowledge or information on technical devices and procedures or operations and business matters which will be of competitive significance secrecy regarding to the information concerned.

3.11. Freedom of Information and transparency

In accordance with Freedom of Information Act § 23, the procurement process is subject to public scrutiny. After the award of contract has been made, the tender, contract and protocols are initially open to inspection. Nevertheless, there are some exceptions to the right of access in public law. Of these exceptions, the exception is for access to information subject to confidentiality by law or pursuant to law, cf. section 13 of the Public Procurement Act, cf. section 13 of the Public Administration Act. Tenderers must in the tender cover letter, provide an overview of what information they believe is excluded transparency and sign self-declaration that the principal is exempt from confidentiality if information that is not specifically identified as confidential in the Tenderer's listing. In case of access, Norske tog shall independently consider the extent to which the information is such that Norske tog is obliged to refuse access, cf. Public Procurement Act § 29.

Norske tog is obliged to comply with the principle of transparency, cf. section 11 of the Public Procurement Act.

QUALIFICATION

4. Requirements to the qualification

4.10. Documentation of Compliance with the Qualification Requirements

In order for its tender to be evaluated, the Supplier must satisfy:

- Completed European Single Procurement Document (ESPD)
- Documentation of qualification requirements in accordance with section 6

Suppliers that do not satisfy the qualification requirements will be rejected from the procurement procedure, in accordance with Forsyningsforskriften section 20.

The Supplier must ensure that sufficient documentation is provided to demonstrate compliance with the qualification requirements of the procurement, in accordance with the stipulated documentation requirements in section 6 of this document.

It is the Supplier's responsibility to ensure that all requested documentation is submitted in accordance with the stipulated requirements. Missing and/or inadequate documentation may result in the Supplier being rejected, cf. Forsyningsforskriften section 20.

If several suppliers participate in the procurement procedure jointly, and/or if the Supplier relies on the capacity of other entities to fulfil the qualification requirements of the procurement, please refer to the additional documentation requirements set out in section 5.6 in this document.

4.11. Amendment and withdrawal of the request

The application may be withdrawn or changed prior to the deadline. Withdrawal shall be done by following the withdrawal process in CTM. Norske tog may ask for additional information in accordance with the public procurement regulation.

4.12. Rejection

The rules for rejection of application set out in FOR section 20 applies. National rejection rules apply in this competition:

1. FOR section 20-2 no. 2: The Tenderer is asked to disclose if they are legally convicted or have passed a preliminary ruling for the following criminal offenses:
 - A) participation in criminal organization
 - B) corruption
 - C) fraud
 - D) terrorist acts or criminal offenses related to terrorist activities
 - E) money laundering or terrorist financing
 - F) child labour or other forms of trafficking in human beings
2. FOR section 20-2 no.: 3 litra i: The Tenderer is asked to state if he has committed serious mistakes that raise doubts about his professional integrity.

Norske tog encourages all Tenderer to familiarize themselves with these rules of rejection.

5. Qualification requirements

5.1. About the qualification requirements

Qualification requirements are basic requirements relating to the Tenderers ability to fulfil the contract requirements. The qualification requirements are minimum requirements, and the Tenderers shall comply with all requirements to participate in the competition.

Tenderers who do not meet the qualification requirements will be rejected.

To be able to have their tender evaluated, the Tenderer must fill out the European Single Procurement Document (ESPD) to substantiate that he fulfils all the qualification requirements listed below.

The Tenderers must submit the required documentation confirming that the qualification requirements are met, along with the tender.

5.2. Mandatory requirements

REQUIREMENT	DOCUMENTATION REQUIREMENTS
The Tenderer shall fulfil obligations relating to the payment of taxes, VAT or similar payments under the laws of Norway or the relevant State in which the Tenderer is established	A tax certificate, no older than six months calculated from the tender deadline. A tax certificate shall be understood as: For Norwegian Tenderers: - A certificate for tax and value added tax, issued by the tax collector's office For foreign Tenderers: - Foreign Tenderers must have corresponding certificates from their authorities documenting that they have complied with the rules and regulations relating to taxes, VAT, fees, duties etc. If the authorities do not issue applicable certificates, the Tenderers shall submit a statement confirming that all such taxes have been paid. The statement shall be confirmed and signed by the Tenderer's chief financial officer and auditor.

5.3. Requirements on organizational and legal position

REQUIREMENT	DOCUMENTATION REQUIREMENTS
The Tenderer shall be a legally established company.	For Norwegian Tenderers: - Company certificate of registration. For foreign Tenderers: - Confirmation that the Tenderer is registered in a trade register or a register of business enterprise in accordance with the laws of the state where the Tenderer is established.

5.4. Requirements on economic and financial situation

REQUIREMENT	DOCUMENTATION REQUIREMENTS
The Tenderer shall have sufficient economic strength to be able to fulfil the contract	- The Tenderer's annual accounts and auditor's report from two previous years. If the annual accounts for the previous year have not been finalised by the expiry of the tender deadline for this request for tender, the preliminary annual accounts for the previous year shall be attached in addition. - Credit rating no older than 6 months from the tender deadline. Economic strength is assessed according to turnover, net profit ratio, financial strength and liquidity.

5.5. Requirements on technical and professional qualifications

REQUIREMENT	DOCUMENTATION REQUIREMENTS
The Tenderer shall have the organizational capacity to fulfil the contract	Short and general description of Tenderer's business including: - Overview of the company structure - Description of how the Tenderer is organized for the implementation of this contract, including the number of permanent employees with relevant expertise presented in a table.
Quality and risk management The Tenderer shall have and operate a good and efficient quality assurance system that meets the requirements of ISO:9001 or equivalent	A description of the Candidate's methods for quality assurance. If the supplier is certified in accordance with ISO 9001 or equivalent quality management system certification, it is sufficient to submit a copy of a valid certificate.

5.6. Support from other companies

The Tenderer can choose to rely on other companies' capacity in order to fulfil the requirement on the Tenderer's economic and financial status or technical and professional qualifications. «Other entities» may be construed as parent company, cooperation partner, subcontractor or similar.

The Tenderer must in such case state the requirements for which he chooses to rely on a supporting company's capacity. In addition, the Tenderer must submit a procurement document (ESPD) completed by the companies he will rely on. When submitting the ESPD, the supporting companies confirm that the relevant requirements are met by the main Tenderer and the supporting company, jointly.

Furthermore, the Tenderer must prove that he will have the necessary resources from the supporting company at his disposal during the contract period, by for example presenting a declaration of commitment (Part I Annex 2), guarantee, cooperation agreement or similar.

This applies independent of the legal status of the connection between the companies, i.e. that the supporting companies can either be the Tenderer's parent company, another company in the same group, a cooperation partner or similar.

TENDER PHASE

6. Tender requirements

6.1. Tender structure

The tender shall contain the following documents:

Document:	Requirements:
Completed Tender Cover Letter (Part I Annex 1)	Must be signed by an authorized person.
Declaration of Commitment Form, if applicable (Part I Annex 2)	Must be signed by an authorized person.
The Tenderer's response to the Qualification Requirements	Documentation in relation to the Qualification Requirements set out in section 5.
European Single Procurement Document (ESPD)	Completed European Single Procurement Document (ESPD)
The Tenderer's response to NT's scope of work and requirements	The Tenderer shall submit documentation according to the Award criteria according to section 8.1. - Completed Appendix H and C: Supplier's description of fulfilment of Scope of Work cf. Appendix A and Appendix C. - Appendix B – Prices and payment - Appendix J – Reservations and Deviations, if applicable Must be completed according to instructions to the documents.

6.1.1. Validity date for tender

The submitted tender shall have a minimum validity of three (3) months.

6.2. Variant Tenders

NT does not permit submission of variant Tenders.

6.3. Alternative/additional solutions

Where expressly indicated in the Tender documents, the Tenderer shall offer alternative solutions. This includes both instances where the Tenderer is required to offer alternative solutions to NT's suggested solution and instances where the Tenderer is required to offer several (more than one) alternative solutions which demonstrate fulfilment of NT's requirements. This only applies where the Tenderer is explicitly required to suggest alternative solutions. Alternative solutions shall be submitted according to specific instructions and formal requirements as set out in the Tender documents.

6.4. Deviations from the procurement documents

Major reservations and deviations from the procurements documents will result in rejection of the offer.

Reservations and deviations must be stated precisely and unambiguously so that Norske tog can evaluate the tender without contacting the Tenderer. Reservations and deviations shall in a clear and unambiguous manner refer to the relevant attachment and item in the tender documents and must be stated in the Tender Cover Letter (Annex 4). The Tenderer must clearly state what consequences any reservations and deviations have for the performance, price and / or other conditions of the tender (Exhibit J).

6.5. Withdrawals of the tender

A tender may be withdrawn or changed prior to the tender due date. Changing the tender is considered as a new tender and shall be structured in accordance with the tender document.

6.6. Rejection

The rules for rejection of tender set out in Forsyningsforskriften (FOR) section 20 will apply for this competition. The Tenderers are encouraged to familiarize themselves with these rules.

7. Tender format and submission

7.1. Tender due date

The tender shall be received by Norske tog no later than the tender due date and time stated in CTM.

Tenders received after the tender due date and time will be rejected.

7.2. Method of delivery

The tender is uploaded and submitted to CTM.

7.3. Tender format

Norske tog requests that:

- The files are named so that the file name reveals the file content.
- Unless otherwise stated, all files are delivered in:
 - PDF
 - And upon request: Editable formats such as MS Office, MPP or XML or other common open file formats. Norske tog shall approve any other file formats in advance. The files are named so that the file name refers to the file's contents.

The PDF version takes precedence over the editable version in case of any deviations and/or conflict.

8. Award criteria and evaluation

8.1. Award criteria

Norske tog will award the contract to the Tenderer with the most economically advantageous Tender, on the basis of the best price-quality ratio in accordance with the following Award Criteria:

Award Criteria	Documentation	Weight %
Price/Cost	Completed Appendix B. All prices must be stated in NOK, ex. VAT, DDP the addresses agreed upon in the contract, cf. Appendix B.	30
Quality	The Suppliers description of fulfillment of scope of work in Appendix H – Part 1. See Appendix A and Appendix C. Suppliers description of requirements with code E in Appendix C will be evaluated. In addition, a higher level of compliance with the key requirements (with code K) may be evaluated positively.	20
Timeline	The Suppliers timeline for the project presented in Appendix H – Part 2, cf. section 5 in Appendix A. The Supplier's ability to minimize throughput time – defined as the total duration from initial setup to the train being ready for operation. Shorter and more efficient throughput times will be rated more favorably, provided that safety and quality standards are maintained. The Suppliers possibility to start-up soon will be evaluated positively.	20
Environment	The Suppliers response in Appendix H – Part 3. The Suppliers description of fulfillment of requirements in section 4.4 in Appendix A and the environmental requirements	30

	marked with E in Appendix C will be evaluated.	
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8.2. Evaluation

The evaluation of the award criteria *Quality*, *Timeline* and *Environment* will be based on an overall qualitative assessment of the Tenderer's submitted response. A score between 0 and 10 will be awarded for each qualitative criterion, where 0 indicates that the criterion has not been addressed and 10 indicated an excellent response that fully satisfies or exceeds Norske tog's expectations. The point achieved is multiplied by the stated weight and then aggregated.

In the evaluation of the Award Criterion *Price/Cost* the Tenders will be evaluated based on a linear scale, where the best Tender (lowest Total-Evaluated-Cost/price) will be given 10 points. The other Tenders will be scored according to the following method:

$$\text{Score} = \text{maximum points} \cdot \left(1 - \frac{\text{Offered total cost} - \text{lowest total cost}}{\text{lowest total cost}} \right)$$

A price difference of 100% will in this case give 0 points.

The Tender that achieves the highest total point score will be considered to have the best price-quality ratio and thus be awarded the contract.

9. Norske tog AS' ability to conduct an audit

Norske tog reserves the right to conduct audits of the Tenderers at any time prior to the signing of the contract and final awarding. Audit is conducted to reveal compliance with requirements in both the competition and contract.

10. Termination of procurements process

10.1. Cancellation of the Competition

Norske tog reserves the right to cancel the competition if there is a reasonable cause for a cancellation cf. Forsyningsforskriften § 21-4. Moreover, Norske tog retains the right to reject all requests for participation in the competition if the result of the qualification process provides reasonable grounds for such a decision.

Reasonable cause may be, but is not limited to:

- Necessary political decisions/budget allocations
- Failed competition
- Lack of board approval
- The substrate is found to be inadequate, cf. text in section 1.2.1 in this document.

10.2. Award of Contract

Norske tog will prior to signing the contracts notify all Tenderers in writing which Tenderers have been awarded contracts, together with a short justification. The notification will also contain the standstill period between award of contract and signing of the contract.

If Norske tog finds that the award decision does not comply with the award criteria, the decision may be cancelled until the contract has been concluded.