



INSTRUCTIONS TO TENDERERS

FOR PROCUREMENT OF:

LED-LIGHTING CLASS 71, 73A & 73B

Project no.: 26-32

**Competitive procedure with negotiation
(FOR part I and II)**

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1. Introduction

1.1. Norske tog AS

Norske tog AS is a state-owned limited liability company and was divested 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 AS' 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 AS 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 AS, 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.

The objective of this procurement is to design, engineer, document and validate a new lighting solution involving replacing all internal lighting systems that currently do not use LED with an LED solution in Class 71, 73A and 73B trainsets.

The scope includes engineering and documentation activities for all three vehicle classes and the development and testing of a prototype installation on one trainset (only one Class, including supply of the required material/ equipment/ components for the prototype).

In addition, the procurement includes several options to develop and validate prototype installations for the two remaining classes.

It further includes separate options for the supply of all components required for fleet-wide serial installation/ implementation on Class 71, 73A and 73B trainsets.

The final quantity of components to be delivered will depend on factors such as prices, lead times and the remaining expected service life of the respective trainsets.

The **serial installation is not included** in this procurement and will be subject to a separate procurement process.

For the complete description of the scope of delivery, see Appendix A “Scope of Work LED Lighting Class 71, 73A & 73B”.

1.2.2. Estimated value

The total value of this procurement is estimated at NOK ex VAT 20 000 000 (options included) over the lifetime of the contract. The estimate does not consist of any (purchasing) obligation for Norske tog AS.

The maximum contract value (options including) is NOK 29,750,000, excluding VAT.

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.

The contract award procedure is: **Negotiated procedure.**

Norske tog AS reserves the right to award the contract without conducting negotiations.

Any negotiations will be carried out in accordance with the guidelines in FOR § 19-7(2), as well as the guidelines in FOR § 19-11.

The negotiations might take place in various phases, and Norske tog AS reserves the right to reduce the number of tenders to be negotiated, in accordance with FOR § 19-12. A first reduction can be done prior to the negotiations. The reduction will be based upon the given award criteria.

Commencement of negotiations with shortlisted tenderers shall not be regarded as rejection of other tenders. Norske tog AS reserves the right to revert to the initial tenders if negotiations are not successful. This also applies to tenders that have not been subject to negotiation.

It is a condition for the competition that the Norwegian Railway Directorate provide the financing for the fulfilment of the procurement and final signing of the contract. Norske tog AS can at any time cancel the procurement process if the funding is not provided. See clause 13.1 below.

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 description of how the procurement process will be carried out up to the point of contract award, as well as forms and templates to be used by the supplier in preparing his tender.

Part I includes the following documents:

- This document (Instruction to Tenderers, also named ITT)
- Annex 1: Request form
- Annex 2: Declaration of commitment
- Annex 3: Self-Declaration - Norske tog's code of ethical conduct for supplier
- Annex 4: Tender cover letter

Any declarations of commitment will be incorporated as part of the contract.

The "Instruction to Tenderers" section 5-8 is related to qualification.

The "Instruction to Tenderers" section 9-12 is related to delivery of tender and will apply to the suppliers who are invited to submit a tender.

Part II: Draft Contract

Part II includes the draft contract, with its appendices, including Norske togs description of the project and requirements. The Tenderer 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 – SOW LED Internal lighting T71 T73
- Appendix B – Prices and payment
- Appendix C – SOW Requirements specification T71 T73
- Appendix D – Document Delivery Plan T71 T73
- Appendix E – Document list T73 and Template document analysis T73AB T71
- Appendix F – Generisk EN15380-NT struktur T71 T73
- Appendix G – Technical documents
- Appendix H – The Supplier's description
- Appendix I – Warranty
- Appendix J – Reservations and deviations
- Appendix K – Ethical code of Conduct for Suppliers
- Appendix L – RCM mal

Tender cover letter must be delivered together with the submission of the Tender (Part I Annex 4: Tender cover letter).

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

Contact with Norske tog AS takes place through the question-and-answer function in CTM. Any questions the suppliers may have, must be asked within the deadlines stated in CTM.

2.5. Language

All written and oral communication in connection with this competition must take place in Norwegian 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 who are qualified/ invited to participate in the competition will be given the opportunity to conduct an inspection of at least one of the vehicle classes (Class 71, 73A or 73B) after the qualification phase, and prior to the tender deadline. There will probably be a very limited possibility for dismantling and tenderer will have to base its offer on the available technical documents.

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. A deadline for this notification will be given in the invitation to submit a tender.

2.9. Update of Tender documents

Norske tog AS has the right to make corrections, additions and changes that are not substantial. Norske tog AS will communicate through the CTM corrections, additions and changes to the tender documents, so they are available for all tenderers simultaneously.

Any corrections, supplements or changes to the Tender Documents will be published through the CTM and tenderers will automatically receive a notification.

2.10. Errors or vagueness in the Tender documents

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

2.11. Tendering Costs

Norske tog AS 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 AS to enter into a contract with the Tenderer or involve Norske tog AS in financial obligations.

This also applies in case of cancellation according to clause 13.1.

3. Confidentiality and transparency

3.1. Confidentiality

Both tenderers and Norske tog AS 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.

3.2. 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 provide in the application for qualification and tender an additional set with redacted information they believe is excluded transparency. Tenderer must sign a self-declaration that the principal is exempt from confidentiality for information that is not specifically identified as confidential in the tenderer's listing.

In case of access, Norske tog AS shall independently consider the extent to which the information is such that Norske tog AS is obliged to refuse access, cf. Public Procurement Act § 29.

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

QUALIFICATION

4. Use of subcontractors

If subcontractors are used, the tenderers shall limit the number of links in the sub-contractor chain.

5. Requirements to the qualification application

Section 5-8 are related to the qualification.

5.1. Structure of the Application

The Application for qualification shall include the following documents:

- Completed Request form (Annex 1)
- Completed declaration of commitment where applicable (Annex 2)
- Completed Self declaration – Norske tog code of ethical conduct for suppliers (Annex 3)
- Completed European Single Procurement Document (ESPD), done electronically in Eu-Supply.
- Documentation of Qualification Requirements according to section 7 below.

5.2. Amendment and withdrawal of the request

The request may be withdrawn or changed prior to the deadline through the CTM.

5.3. Rejection

The rules for rejection of application set out in FOR section 20 will apply for this competition. 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 AS encourages all Tenderer to familiarize themselves with these rules of rejection.

6. Format and submission of the request

6.1. Deadline for delivery of Application

The qualification application shall be received by Norske tog AS at the latest by the deadline of the request to participate stated in CTM.

Requests submitted after the deadline will be rejected.

The tenderer is responsible for the risk of failures or delays in delivery.

6.2. Method of delivery

The tenderer is to upload their request for participation in the CTM.

6.3. Format

Norske tog AS asks that the name of the files uploaded are short and informative.

7. Qualification requirements

7.1. 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.

Only qualified tenderers will be invited to submit a tender. 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.

7.2. 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 deadline for delivery of the request to participate. 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.

7.3. 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.

7.4. 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 including notes with the directors' report and auditor's report from the last two 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 a recognised credit rating agency. Norske tog AS reserves the right to reject credit rating from agencies that do not have the professionalism Norske tog AS is expecting. Economic strength is assessed according to turnover, net profit ratio, financial strength and liquidity.
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7.5. Requirements on technical and professional qualifications

REQUIREMENT	DOCUMENTATION REQUIREMENTS
Capacity and qualifications The tenderer shall have the capacity to fulfil the contract (i.e. adequate staffing and necessary expertise).	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. Max 2 A4 pages.
Experience The Tenderer shall have documented experience from performance of contracts with similar and relevant complexity, preferably from railway vehicles	The Tenderer shall submit a list of maximum three (3) attestations performed during the last five (5) years. The documentation shall at least contain: • Short description of the Delivery performed under the relevant contract • Name of purchasing company/contractor • Time for performance of the contract. • The economic value of the contract scope. Max 1 A4 page per reference.
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 Tenderer is certified in accordance with ISO 9001 or equivalent quality management system certification, it is sufficient to submit a copy of a valid certificate.

7.6. 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. In addition, the supporting companies confirm that they independently meet requirements 7.2 and 7.3.

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 (see Clause 2.3 Part 1 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

8. Evaluation of the Tenderer's qualifications

8.1. Implementation of qualification

Norske tog AS will evaluate submitted requests to participate in the competition according to the qualification requirements set out in section 7. Tenderers who do not meet the qualification requirements will be rejected from the competition.

8.2. Number of tenderers that will be invited to submit a tender

Norske tog will, from among the received requests to participate in the tender procedure, invite a minimum of three (3) and a maximum of eight (8) qualified suppliers to proceed to the next stage of the competition, provided that a sufficient number of qualified suppliers meeting the qualification requirements are available.

The selection of suppliers will be based on an assessment of which suppliers best satisfy the qualification criteria *Capacity and qualifications* and *Experience* set out in section 7.5 of this document.

8.3. Notification of selection of qualified tenderers

Norske tog AS informs all tenderers in writing through the CTM whether they are qualified and invited to deliver a tender or not.

A petition for preliminary injunction against Norske tog AS' decision to refuse or reject a request to participate in the tender process must be presented to the district court within 15 days calculated from the day after Norske tog AS' notification was sent, cf. FOR section 16-5.

9. Tender requirements

Sections 9-12 are related to delivery of tender.

9.1. Tender structure

The tender shall contain the following documents, and shall be structured as follows:

Document:	Requirements:
Completed Tender Cover Letter (Annex 4)	Must be signed by an authorized person.
Completed Draft Contract	The Tenderer to submit Contract Agreement and Conditions including completed appendixes. Appendixes shall be submitted in separate files and files shall be named with appendixes names. The Tenderer shall submit documentation according to the Award criteria in section 11: Completed Appendix H: Supplier's description of fulfilment of Scope of Work cf. Appendix A and Appendix C.

	• Appendix B – Prices and payments • Appendix C - Requirements • Appendix J – Reservations and Deviations, if applicable. • Documents to be delivered in phase “Tender” in Appendix D Must be completed according to instructions in the documents.
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9.1.1. Validity date for tender

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

9.2. Variant Tenders

NT does not permit submission of variant Tenders.

9.3. 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 AS 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 Exhibit E – Reservations and deviations. The tenderer must clearly state what consequences any reservations and deviations have for the performance, price and / or other conditions of the tender.

9.4. Withdrawals of the tender

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

9.5. Rejection

The rules for rejection of tender set out in Forsyningsforskriften (FOR) section 20-8 will apply for this competition. The tenderers are encouraged to familiarize themselves with these rules.

10. Tender format and submission

10.1. Tender due date

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

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

10.2. Tender commitment date

Deadline for the Tenderers obligation to commit to the tender is stated in the CTM.

10.3. Method of delivery

The tender is uploaded and submitted to CTM.

10.4. Tender format

Norske tog AS requests that:

- The files are named so that the file name reveals the file content.
- Unless otherwise stated, all files are delivered in two formats:
 - PDF
 - Editable formats such as MS Office, MPP or XML or other common open file formats. Norske tog AS 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.

10.5. Copy with Censored Confidential Information

Upon request, the tenderer shall submit complete tender where information, which may be exempt for public disclosure under the Regulations for public procurement § 7-4 and Act no. 16 of 19 May 2006 (Freedom of Information Act) § 13, relating to public access to documents, is redacted. Such redacted tender shall be in electronic format.

In the event of a demand for access being made, Norske tog AS shall make an independent appraisal of whether the information in question such that Norske tog AS is obliged to refuse access, cf. Freedom of Information Act § 29.

11. Award criteria and evaluation

11.1. Award criteria

It is Tenderers responsibility to submit enough documentation and relevant information to Norske tog AS, about how Tenderer will execute the Deliveries, the Schedule, the Price and all contractual requirements. Tenderer shall especially provide details that will allow Norske tog AS to make an evaluation based on the award criteria.

Norske tog AS will award the contract to the Tenderer with the best cost-quality ratio in accordance with the following Award Criteria:

Award Criteria	Documentation	Weight %
Price	Completed prices in Exhibit B. All prices must be stated in NOK, ex. VAT, DDP to the addresses agreed upon in the contract, cf. Exhibit B.	50
Quality	The Suppliers response in Appendix H – Part 1 and Appendix C Specifications. See Appendix A and Appendix C Specifications. Suppliers' description of requirements with code E in Appendix C Specifications will be evaluated. In addition, a higher level of compliance with the key requirements (with code K) may be evaluated positively.	10

Environment	The Suppliers response in Appendix H – Part 2 and Appendix C Specifications. The Suppliers description (in Appendix H – Part 2) of fulfilment of requirements in section 4.4 in appendix A and the environmental requirements marked with E in Appendix C will be evaluated. A higher level of compliance with the key requirements (with code K) may be evaluated positively.	30
Timeline	The Suppliers timeline for the project presented in Appendix H – Part 3, cf. section 5 in Appendix A and Appendix C Specifications • Engineering ready for first vehicle type • Equipment kit for prototype • Delivery of prototype (Verified and tested) • Delivery time engineering vehicle type #2 • Delivery time engineering vehicle type #3 • Delivery lead-time on components/ vehicle kit packages (time from signing of option) The ease of installation/completion in terms of efficiency will be evaluated. The CVs presented in Appendix H – Part 3 for project team will be evaluated, together with allocation of time. The evaluation will be based on experience and competence relevant for the Scope of work and how they are dedicated to the project.	10

11.2. Evaluation

The evaluation of the award criteria Timeline, Quality 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 indicates 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 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.

11.3. Negotiations

Any negotiations will be carried out as described in section 2.1 in this document.

After the negotiation phase has been completed, Norske tog AS will use the submitted tender, in addition to any changes and clarifications from the negotiation phase, as the basis of the final evaluation.

12. Norske tog AS' ability to conduct an audit

Norske tog AS 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.

13. Termination of procurements process

13.1. Cancellation of the Competition

Norske tog AS reserves the right to cancel the competition if there is a reasonable cause for a cancellation cf. FOR § 21-4. Moreover, Norske tog AS 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.

13.2. Award of Contract

Norske tog AS will prior to signing the contract notify all tenderers in writing which tenderer have been awarded the contract, 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 AS finds that the award decision does not comply with the award criteria, the decision may be cancelled until the contract has been concluded.