

Dear Sir/Madam,

The NATO Support and Procurement Agency has a requirement for the supply of the materiel and the associated services described in the Statement of Works and “List of Items” attached to this Request for Proposal (RFP).

You are invited to submit a firm fixed price proposal, based on delivery **DDP final destination Kabul, AFGHANISTAN (INCOTERMS 2010)**. **The detailed address in Kabul for each equipment is indicated in the attached List of Items.**

Partial bidding per LOT is allowed. Bidders may propose either LOT 1 or LOT 2 or both, however, the proposal must address the full content of materiel and enabling services that are required within the proposed LOT.

Bidders may seek clarification from NSPA on uncertainties in the RFP. NSPA shall publish the questions and answers along with the RFP documentation onto the NSPA website. Throughout this process, NSPA will not disclose the sources of the questions.

Any request for clarification sent to NSPA shall be in writing. The RFP Questions and Answers template (part of the solicitation package) shall be used in this respect and shall be submitted to NSPA by e-mail.

The deadline for sending questions is 24 Aug 2020.

IMPORTANT NOTES ON MATERIAL EXPORT

For non-U.S. vendors:

- For proposals for material not originating in the U.S. / not to be shipped from the U.S.:
 - In case of Incoterm “FCA Contractor’s facilities”, the contractor has to obtain the export license or export under existing licenses, if necessary.
- For proposals for material originating in the U.S. with place of delivery “FCA” in the U.S., to be delivered through the NSPA freight forwarder (JAS):
 - The same rules as for U.S. vendors apply (see below).
 - **To be included in the proposal:**
 - Name, address, POC, phone, and fax number of the U.S. subcontractor.

For U.S. vendors:

- For proposals for material with place of delivery “FCA” in the U.S., delivered through the NSPA freight forwarder (JAS):
 - **For defense items:**
 - For Significant Military Equipment (SME) designated as being under the jurisdiction of the U.S. Department of State, the contractor shall obtain the export license. A copy of the export license must be sent to the NSPA POC and to JAS before the material is shipped.

To be included in the proposal:

- A statement that the item is Significant Military Equipment, and that the vendor possesses an export license or will apply for one.
- The Schedule B Export Code. For details see <http://www.census.gov/foreign-trade/schedules/b/index.html>
- For non-SME material: NSPA purchases most of the material for use in a NATO weapon / defense system. In these cases it is assumed that ITAR (22 CFR) U.S. Munitions List applies. The NSPA freight forwarder possesses the necessary Department of State DSP-5 Export Licenses.

To be included in the proposal:

- The U.S. Munition List (USML) Category. For details see <http://www.fas.org/spp/starwars/offdocs/itar/p121.htm>
- The Schedule B Export Code. For details see <http://www.census.gov/foreign-trade/schedules/b/index.html>

○ **For non-defense items:**

- If it is the vendor's position that the material is not a defense item (i.e. not specifically designed, manufactured, modified, configured, or adapted for a particular defense / weapon system) and therefore shouldn't be shipped under a U.S. Department of State export license,

the proposal must include:

- A statement that the material is a non-defense item, i.e. "NLR" (No license required)
- The Schedule B Export Code. For details see <http://www.census.gov/foreign-trade/schedules/b/index.html>
- The Export Control Classification Number (ECCN). For details see <http://www.bis.doc.gov/licensing/exportingbasics.htm>

Note: Please ensure that the material is indeed a civilian item and not a "dual-use" item (i.e. a civilian item with military applications) which falls under defense trade controls.

- If the non-defense item is subject to be exported under a license to be issued by the U.S. Department of Commerce, the vendor has to obtain this license too and send a copy to the NSPA POC and JAS before the material is shipped.

To be included in the proposal:

- A statement that the item will be exported under a license by the U.S. Department of Commerce and that the vendor possesses an export license or will apply for one.

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1. TAX EXEMPTION

All prices and rates quoted shall be exclusive of any taxes and duties from which NSPA is exempt pursuant to the provisions of the Ottawa Agreement of 20 September 1951 and *the Agreement between NAMSA and the Government of Luxembourg, dated 19 June 1968, entitled 'Agreement regarding exemption from taxes, duties and rates granted to NAMSO (NATO Maintenance and Supply Organization) by the Luxembourg Authorities.*

2. CONSIDERATION OF ALL INFORMATION

Your proposal must be prepared after careful consideration of all information provided in this RFP. In order for your proposal to receive an accurate evaluation it must conform to the terms of this RFP. Non-conforming or incomplete proposals may be refused consideration for award of a contract.

3. CONTRACTOR'S RESPONSIBILITY

With the submission of his proposal the bidder guarantees that he is in possession of all the necessary intellectual property rights in force in the countries where the items will be manufactured and / or services will be performed, under the resulting contract and in other countries where the intellectual property rights are in force. It is the sole responsibility of the bidder to obtain any licenses necessary for the performance of this contract and for making any other arrangements required to protect NSPA from any liability for intellectual property rights infringement in said countries. The bidder will at his expense hold NSPA harmless and fully indemnify NSPA against all damages, costs, charges, expenses and the like arising from or incurred by any reason of any infringement or alleged infringement of intellectual property rights in consequence of the provision of the service and / or materiel.

You will be solely responsible for the performance of the contract resulting from this RFP. The fact that NSPA allows to subcontract or to call upon a third party for the performance of any part of the contract does not relieve you of your responsibility.

3.1 FORMER NSPA STAFF

Any bidder who proposes to employ former NSPA staff member(s) in the performance of this contract shall specifically identify the individual(s) and the position for which they will be hired. If NSPA determines that the former NSPA staff members will be employed in supporting a requirement for which they were personally and substantially involved while a NSPA employee, the bidder's proposal may be removed from further consideration for award. Failure to disclose such employment shall result in the immediate removal of the bidder's proposal from further consideration for award. This restriction shall be in effect for a period of two years after the former NSPA employee concludes their employment with the Agency, unless authorized in writing by the NSPA General Manager or his authorized representative.

4. BALANCING OF PRODUCTION

For contracts amounting to EUR 80,000.- or more, or equivalent in another currency, NSPA takes into account a "balanced production" policy.

Under this policy, when offers from firms of different participating NSPO member states are otherwise similar, contract award is made to that bidder whose country, at time of award, is poorly placed in terms of balance, provided that his offer does not exceed the lowest offer by more than a certain percentage (10 % or 20 % depending on the relative position of the countries in terms of balancing) and he agrees to match such lowest offer. Relative positions of the countries in terms of production balancing are determined by using the ratio "R"; value of the contracts placed by NSPA in a country compared with the value of sales made to the same country. The three categories in the NSPA scale of balancing are well-placed, less well-placed and poorly-placed, the latter category having the lowest ratio.

5. EVALUATION CRITERIA

The criteria, which NSPA will employ in selecting the successful bidder will be by order of importance:

- a. responsiveness and compliance with the conditions of the RFP, including acceptance of NSPA Terms and Conditions. In their commercial proposal, the Bidder shall indicate acknowledgement and acceptance of said conditions;
- b. Provision to NSPA (as part of the tender) of an acceptable complete TECHNICAL PROPOSAL including the provision of the Technical Compliance Matrix (TCM), and all data and documentation listed in PART A – TECHNICAL PROPOSAL/CAPABILITY AND QUALIFICATION FORM and in the TCM. In their Technical Proposal, the Bidder shall demonstrate capacity to deliver the ordered material and enabling services at the designated location.
- c. Confirmation of capacity to complete the required deliverables by no later than **31 May 2021** (assuming a contract award in Nov 2020). The Required delivery timelines shall be confirmed in the Technical Proposal (please refer to Exhibit PART A – TECHNICAL PROPOSAL/CAPABILITY AND QUALIFICATION FORM).
- d. Provision to NSPA (as part of the tender) of their best PRICE PROPOSAL per proposed LOT (see instructions in Exhibit Part B – PRICE PROPOSAL FORM) based on delivery DDP Kabul, Afghanistan (INCOTERMS 2010).

Technical and commercial compliance shall be performed per LOT.

Although the principle of lowest priced, technically and commercially compliant bid will be observed for contract award, the compliance with the mandatory delivery date will take precedence over price. Proposals which cannot meet the required delivery date shall be rejected, regardless of materiel's technical compliance and/or best price.

The lowest priced, technically and contractually compliant bid per LOT shall be considered for contract award.

6. AUTHORISED SIGNATURE

Your proposal must be signed by an official authorized to bind your firm to a contract. If your proposal is submitted electronically the authorized signature should be scanned. Proposals submitted in response to this RFP are binding offers and, on acceptance by NSPA, constitutes a binding contract.

7. VALIDITY

Your proposal shall be valid until the "Offer Validity" date indicated on the first page of this RFP. The proposal must be submitted in the English or French language. If not sent by fax or email, the proposal must be submitted in duplicate.

8. PRICES, CURRENCY AND PAYMENT

Prices may be quoted in the currency of any NSPO member state. However, all the prices must be quoted in the **same** currency and this currency will be reflected in the resulting contract and used for payments made thereunder.

Comparison of the price quotations will be made in euro; the exchange rates to be used for the purposes of such price comparison will be the medians between buying and selling rates of the Brussels "Marché Réglementé" on the first banking day of the week of the bid closing date, as reported by the Banque et Caisse d'Epargne de l'Etat, Luxembourg.

NSPA payment terms are 30 days net upon receipt of Contractor's invoices duly documented as contractually provided for. Discount for early payment shall be indicated in your proposal.

NSPA payments will be made to the bank account provided by the Contractor at time of registration to the NSPA source file or to the bank account identified by the Contractor at time of contract award. NSPA will only accept to make payments on an account in a bank located in a NATO Nation.

9. CONDITION OF MATERIEL

The condition of the materiel should be **new of current production**.

10. QUALITY ASSURANCE

The Contractor is responsible for maintaining effective control of the quality of materiel.

In those cases where the Contractor is required to meet the requirement of an AQAP, the Contractor must provide a Certificate of Conformity (CoC). If not the manufacturer, the Contractor shall provide a copy of the CoC received from the original manufacturer.

Information on NATO Quality Assurance Standards may be found at the following web site: <http://nso.nato.int/nso/nsdd/ListPromulg.html>

11. LATE OFFERS

Proposals received after the "Offer Closing Date – 24:00 hrs Luxembourg time" indicated on the first page of this RFP shall, as far as a contract award is concerned, be rejected without consideration. However proposals posted prior to the Offer Closing Date (valid postal stamp) will be considered as long as they are received before an award is made. If only one offer is received and it is received after the closing date, NSPA reserves the right to consider such offer.

12. NO NSPA COMMITMENT

This RFP is not a commitment that an award of contract will be made. NSPA reserves the right to reject any or all proposals. No payment for costs incurred prior to entering into a contract will be made by NSPA. NSPA reserves the right to award a contract for any or part of the items solicited with this RFP.

13. PRE-AWARD SURVEY

If after the submission of a proposal you are considered for an award of a contract, NSPA reserves the right to conduct a survey of your technical and facility capabilities. A pre-award survey is normally performed for higher value contracts.

14. INSTRUCTIONS FOR PROPOSAL FORWARDING

The means of transmitting your proposal are left to your discretion, by post, by private mail service, by email, by fax, or by a bid application using a secure protocol (https). Proposals submitted electronically (email or secure protocol) must conform to currently supported Microsoft-Office versions (preferably MS-Word, MS-Excel) or PDF.

Email: Your offer must be sent to the following address: procurement@nspa.nato.int and make reference to the RFP Collective Number.

Please submit your offer in three different files, containing:

- First file: Cover Letter
- Second file: Part A- Technical Proposal
- Third file: Part B – Commercial and pricing proposa

Please be aware that the maximum capacity for incoming mail at NSPA is 10 MB. In case that your offer is larger it must be compressed to fit the 10 MB limit or sent in several parts.

Secure protocol: Your offer can also be submitted using a secure protocol (https) into the NSPA system. For this purpose select the button "Bid" when you display the details of the RFP in the Internet and follow the instructions.

A proposal that is received "incomplete" when the closing date deadline is reached, cannot be accepted. In case the proposal is mailed it has to be submitted to the following address and should mention:

NATO SUPPORT AND PROCUREMENT AGENCY (NSPA)
Procurement Division, Attn.: PP-A
RFP Collective n°: SVH20005
L-8302 CAPELLEN (Luxembourg)

15. INFORMATION ON BIDDING

If your proposal did not result in an award, you will be informed as soon as the award decision has been made.

Upon receipt of the notification, if the value of your proposal exceeds EUR 320,000.-, you may request additional general information from the NSPA Point of Contact indicated in this RFP, as to the reasons why your company failed to win the competition.

Your company's name will remain in the NSPA Source File and will be considered for invitation for any future competitions in this field.

16. NSPO PROCUREMENT REGULATIONS / NSPA OPERATING INSTRUCTION

The NSPO Procurement Regulations and the NSPA Operating are available on NSPA's website under <http://www.nspa.nato.int/en/organization/procurement/rules.htm>

If you do not wish to respond to this RFP, please notify this office and return all documentation received promptly or destroy it.

17. PUBLICATION OF CONTRACT AWARDS

In accordance with the Procurement Operating Instruction, NSPA periodically publishes high value contracts (except classified ones), indicating the contractor's name and country, as well as the purpose, total amount and issue date of the contract.

This information is to be found on the NSPA website under <http://www.nspa.nato.int/en/organization/procurement/contract.htm>

Enclosure

Exhibit: Proposal Form and Instruction/Guidance for Preparation of Proposals

EXHIBIT: PROPOSAL FORM AND INSTRUCTION / GUIDANCE FOR PREPARATION OF PROPOSALS

NSPA has prepared this two-part proposal form for the purpose of providing guidance and instructions by which the bidders submit cost data and supporting information suitable for a detailed and accurate analysis and evaluation of their proposals.

It is not essential that this said form be used by the bidders, however the bidders are requested to maintain the sequence and suitably index the proposal to enable rapid analysis by NSPA. The data and documents required in this form must be completed and returned not later than the offer closing date.

Part A - TECHNICAL PROPOSAL / CAPABILITY AND QUALIFICATION FORM

This part when duly completed and supplemented with any information as deemed appropriate will constitute the bidder's Technical Proposal and contain all non-pricing details.

Part B - PRICE PROPOSAL

This part when duly completed and supplemented with any information as deemed appropriate, will constitute the bidder's Price Proposal.

PART A - TECHNICAL PROPOSAL / CAPABILITY AND QUALIFICATION FORM
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This part when duly completed and supplemented with any information as deemed appropriate will constitute the bidder's Technical Proposal. The Technical proposal shall not contain any pricing details.

The TECHNICAL PROPOSAL must be accompanied by all required data, certificates, information, etc., and must describe in detail the proposed equipment and its technical specifications, in accordance with the SOW and contract provisions.

The bidder shall, within the technical proposal, provide evidence and assurance of their capability of meeting the requirements of the RFP. Voluminous pre-printed brochures are not desired.

The documents / information that are mandatory to be provided with the TECHNICAL PROPOSAL are outlined below and/or in the attached Technical Evaluation Matrix (TEM). Failure to provide these documents/ information with the Technical Proposal by the bid closing date shall lead to upfront non-compliance determination.

1. EXPERIENCE AND CAPABILITIES OF YOUR COMPANY IN SIMILAR SERVICES

The Bidder shall provide a short description of the company's experience and capabilities in supplying similar equipment and associated services (e.g. list major clients and supplied equipment over the past 5 years).

2. QUALITY MANAGEMENT

a. The Bidder shall attach an **Outline** Quality Plan to his proposal.

(i) This is an essential element in NSPA's assessment of the tender. It constitutes a part of the technical proposal. It is not intended that the bidder send a copy of their quality manual; an outline quality plan for this specific project is required, interfacing the project with the company's quality management system.

(ii) The minimum elements of such an **Outline** Quality Plan are the following:

1. Quality objectives and methods to measure achievements;
2. Project deliverables and processes to review satisfactory quality levels;
3. Quality standards, practices, procedures and instructions applied;
4. Quality roles and responsibilities;
5. Plan for reporting quality control and assurance problems;

b. ISO certification

The Bidder / his facility shall be certified against ISO 9001:2015 or a standard including the requirements of ISO 9001:2015. In the latter case they shall specify the standard. The bidder shall provide a valid copy of the certification granted from an accredited body.

The certification shall be valid for at least one year from the proposal submission date. Where the certification is valid for less than a year following proposal submission, evidence of the ongoing renewal process shall be provided.

The certification scope shall include all processes contributing to the quality management of the present contract.

Note: Bidder shall provide evidence. Bidder's declarations such as "we shall proceed with the certification only if we are awarded Contract" or "we shall have the valid certification by the time of Contract award" are not accepted.

c. The bidder's Quality Management System shall meet the requirements of AQAP 2131

3. PROJECT MANAGEMENT

a. The bidder shall attach an **Outline Project Management Plan** to his proposal. The minimum elements of such an outline are the following:

- i. Objectives and outcomes
- ii. Project team, roles and responsibilities;
- iii. Draft activity based project schedule; the project schedule shall explain the project timelines and milestones and **demonstrate completion of all deliverables by no later than 31 May 2021** (assuming a contract award in Nov 2020) .
- iv. The Bidder shall describe the delivery and transportation concept. How will the Bidder deliver the machines? Which transportation methods (air, sea, and land) will be used? Which customs point will be used for entry? The Bidder shall elaborate the delivery planning in the document.
- v. The Bidder shall describe the concept of service provision on site, e.g. describe the hiring and mobilization / demobilization of Bidder personnel to be deployed on site for the provision of the required services, as well as describe the provision of force protection, real life support (RLS), medical coverage, etc. to the respective personnel.

4. ACCEPTANCE PLAN

The Bidder shall provide an **Outline Acceptance Plan** to show how the on-site inspections/tests will be done in order to verify that the delivery is complete and the equipment is fully functional and ready to use. The Acceptance Plan shall also include the list of these spare parts and consumables.

5. TRAINING PLAN

The Bidder shall provide an **Outline Training Plan** showing the training program, course syllabus and documentation. The Bidder shall also identify the training resources and support required from the customer in the plan.

6. TECHNICAL EVALUATION MATRIX

The Bidder shall fill the attached Technical Evaluation Matrix, in accordance with the guidance provided in the document. The submission of the complete Technical Evaluation Matrix with the technical proposal by the bid closing date is mandatory.

7. TECHNICAL PROPOSAL

The Bidder shall address each SOW paragraph in the technical offer by explaining how the specific SOW requirements are met.

PRODUCT ORIGIN

In his proposal the bidder shall inform NSPA about the origin of the offered materiel, noting that for NSPA contracts, the contractor shall not acquire materiel and / or services from sources in countries which are:

- Subject to a formal trade embargo observed by NATO.
- Known to disregard international trade conventions in respect of copyright.
- Under Communist control.

8. SUBCONTRACTORS

The Bidder shall identify if sub-contractors are to be used and clearly identify the type of work and percentage of total work to be performed. The Bidder shall provide in table format names, addresses of sub-contractors, amount and type of work to be sub-contracted and quality standards with the reasons why subcontract(s) are necessary.

The bidder shall inform NSPA about the place and country where any subcontractor is resident. Sub-contracting to businesses located in non-NATO countries is limited to 30%.

Name	Address	% of total price proposal	QA standards & Reasons for subcontracting

Maximum sub-contracts expected%

9. CONTRACT ADMINISTRATION

The names of the officials designated by the bidding contractor to administer this contract are:

Contractual matters

Company name: _____

Address: _____

Attn: _____

Phone: _____

Fax: _____

E-mail: _____

Technical matters:

Company name: _____

Address: _____

Attn: _____

Phone: _____

Fax: _____

E-mail: _____

Part B - PRICE PROPOSAL FORM

1. Bidder to confirm acceptance of NSPA Terms and Conditions:

YES, the bidder **fully accepts** the terms and conditions provided in the draft Purchase Order.

2. PRICES:

Bidders are required to submit their price proposal in the attached Excel sheet named "SVH20005_Price Proposal Form". Please follow the instructions provided in the cells named "Notes to Bidders". When complete, bidder shall return the price proposal both in excel and signed pdf format.

3. PAYMENT TERMS:

NSPA payment terms are 30 days net upon receipt of Contractor's invoices, duly documented as contractually provided for.

Discount for early payment shall be indicated in your proposal, i.e.:

-If payment is made within 20 days:% is granted (bidder to indicate)

-If payment is made within 10 days:% is granted (bidder to indicate)

4. VALIDITY:

This price proposal, when associated with the TECHNICAL PROPOSAL, constitutes the bidder's tender against this RFP and is valid until the specified offer validity date.

NAME OF COMPANY: _____

NAME OF REPRESENTATIVE: _____

TITLE OF REPRESENTATIVE: _____

DATE OF PROPOSAL: _____

SIGNATURE: _____