

Dear Sir/Madam,

The NATO Support and Procurement Agency has a requirement for the supply of the materiel described in the "List of Items" attached to this Request for Proposal (RFP).

You are invited to submit a firm fixed price proposal, based on delivery – FCA Contractor's facilities (Incoterms 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

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(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 materiel 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. 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.

## 2. CONTRACTOR'S RESPONSIBILITY

With the submission of a proposal, the bidder guarantees that it has read the [NSPA Supplier Code of Conduct](#) and acknowledges that this Code of Conduct provides the minimum standards expected of the bidder, its employees, subsidiary or affiliate entities and subcontractors, should it be selected for award in accordance with the terms of this RFP.

Furthermore, the bidder guarantees that it 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 its 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. 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 their 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 the 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 the bidder 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

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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. GEOGRAPHICAL LIMITATIONS

Not applicable.

## 6. EVALUATION CRITERIA

The criteria, which NSPA will employ in selecting the successful offerer are indicated in the "List of Items" attached hereto.

## 7. ALTERNATIVE ITEM(S)

If you desire to submit a proposal for an alternative item(s), you may do so in addition to the proposal submitted in response to this Request for Proposal. Proposals for alternative items shall be submitted with a complete description of the proposed items, and be accompanied with a certificate stating that the items offered are **fully interchangeable** with the requested items (same form, fit and function) or an explanation given on how they differ.

When a stock number is superseded, the bidder will so indicate in its offer furnishing the new stock or part number. In case of inconsistency between the National/NATO Stock Number and the Part Number, the NATO Stock Number will govern.

## 8. 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.

## 9. 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.

## 10. 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 rates that are published by ECB—European Central Bank and updated every first working day ( Following ECB Calendar) of the week of the bid closing date.

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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.

#### **11. CONDITION OF MATERIEL**

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

#### **12. 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.

**Government Quality Assurance (GQA)** services may be required for the items on the list attached to this RFP.

When GQA services are required, the **place of inspection** shall be indicated in the proposal if different from the point of delivery.

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

#### **13. 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.

#### **14. 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.

#### **15. 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.

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**16. 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](mailto:procurement@nspa.nato.int) and make reference to the RFP Collective Number.

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°: XGJ23020  
L-8302 CAPELLEN (Luxembourg)

**17. 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.

**18. BID OPENING**

Not applicable.

**19. NSPO PROCUREMENT REGULATIONS / NSPA OPERATING INSTRUCTION**

The NSPO Procurement Regulations and the NSPA Procurement Operating Instruction are available on NSPA's website under

<https://www.nspa.nato.int/business/procurement/general-information>

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

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## 20. 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  
<https://www.nspa.nato.int/business/procurement/bid-awards>