

<b>Bidding Instructions and Administrative Requirements</b>
---

TO : ALL BIDDERS

SUBJECT : REQUEST FOR PROPOSAL (RFP) FOR THE  
PROVISION OF *BATTERY,EXPLOSIVE  
ACTUATED,GUIDED MISSILE, NSN  
6135004848556*

RFP COLLECTIVE NUMBER : GPO24001

Dear Sir/Madam,

The NATO Support Agency has a requirement for the establishment of a contract 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).

#### **TABLE 1 - SOLICITATION TIMELINES**

A	RFP Issue:	<u>18 April 2024</u>
B	Deadline for submitting claims of unduly restricting competition	<u>06 May 2024</u>
C	Deadline for submission of questions:	<u>06 May 2024</u>
D	Bid Closing:	<u>16 May 2024, 11:59 am (Luxembourg Time)</u>
E	Offer Validity:	<u>16 September 2024</u>

#### **IMPORTANT NOTES ON MATERIEL EXPORT**

##### **For non-U.S. vendors:**

- For proposals for materiel 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 materiel 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 also included in the proposal:**

- Name, address, POC, phone, and fax number of the U.S. subcontractor.

**For U.S. vendors:**

- For proposals for materiel with place of delivery “FCA” in the U.S., delivered through the NSPA freight forwarder (JAS):

- **For defense items:**

- NSPA purchases most of the materiel for use in a NATO weapon / defense system, and it is therefore assumed that ITAR ([22 CFR](#)) U.S. Munitions List applies.

The vendor is requested to apply for an appropriate U.S. Department of State DSP 5 License for export of unclassified defense articles where JAS (full address: JAS Forwarding (USA) Inc., 23700 Pebble Run Place, Suite 100, Sterling, VA 20166, U.S.A.) is listed in Block 19 as consignor and/or freight forwarder in the U.S.

A copy of the Export License must be sent to the NSPA POC and to JAS ([iadfms@jas.com](mailto:iadfms@jas.com)) before the materiel is shipped.

- **To be included in the proposal:**

- A statement as to whether the vendor possesses an export license or will apply for one.
- The U.S. Munition List ([USML](#)) Category.
- The Schedule B Export Code. For details see <http://www.census.gov/foreign-trade/schedules/b/index.html>

**Table of contents**

1. REGISTRATION IN NSPA SOURCE FILE AND e-PROCUREMENT PLATFORM .....	4
2. BID SUBMISSION .....	4
3. RFP QUESTIONS AND ANSWERS.....	5
4. CONSIDERATION OF ALL INFORMATION .....	5
5. CONTRACTOR'S RESPONSIBILITY .....	5
6. EMPLOYMENT OF FORMER NSPA STAFF .....	6
7. BALANCING OF PRODUCTION .....	6
8. GEOGRAPHICAL LIMITATIONS .....	6
9. BID EVALUATION .....	6
10. ALTERNATIVE ITEM(S) .....	6
11. AUTHORISED SIGNATURE .....	7
12. VALIDITY .....	7
13. LANGUAGE .....	7
14. CONDITION OF MATERIEL.....	7
15. QUALITY ASSURANCE .....	7
16. BIDDERS CONFERENCE.....	7
17. Not applicable.PRICES, CURRENCY AND PAYMENT .....	7
18. NO NSPA COMMITMENT .....	8
19. PRE-AWARD SURVEY .....	8
20. ALLEGATIONS OF UNDULY RESTRICTIVE SPECIFICATIONS .....	8
21. BID OPENING .....	8
22. INFORMATION ON CONTRACT AWARD.....	8
23. NSPO PROCUREMENT REGULATIONS / NSPA PROCUREMENT OPERATING INSTRUCTION.....	9
24. PUBLICATION OF CONTRACT AWARDS .....	9
EXHIBIT: PROPOSAL FORM AND INSTRUCTION / GUIDANCE FOR PREPARATION OF PROPOSALS .....	10

## 1. REGISTRATION IN NSPA SOURCE FILE AND e-PROCUREMENT PLATFORM

Companies shall be registered in the NSPA Source File to participate in NSPA solicitations and to be considered for contract award. Furthermore, registration in the NSPA Source File is necessary in order to have a supplier account for the users indicated to access NSPA's e-Procurement platform. Questions related to the RFP and your proposal can only be submitted electronically through the e-Procurement platform.

Companies interested in participating in an NSPA solicitation and not yet registered in NSPA's Source File or, if registered, do not have an e-Procurement account, are encouraged to register online via the NSPA [website](#) at the earliest opportunity, as the vendor registration needs to be evaluated and validated before the company can receive its e-Procurement account. This latter process typically takes between one to three working days.

For information or assistance with Source File registration, please contact:  
[source-file@nspa.nato.int](mailto:source-file@nspa.nato.int)

## 2. BID SUBMISSION

Bids must be submitted through the e-Procurement platform by selecting "Bid on RFP" within the Request for Proposal (RFP) prior to the indicated Bid Closing date and time. This e-submission functionality is accessible exclusively from the supplier e-Procurement account; consequently, bidders will need to login and access the RFP page in order to be able to submit their bid.

Once the bid is submitted using the e-Procurement platform, it is automatically encrypted and transferred to an electronic vault, where it will be safeguarded until the Bid Closing date and time.

Upon RFP closure, the system retrieves the **last version of the bid submitted** for decryption, and subsequent release for evaluation by NSPA. Therefore, bidders wishing to modify their bids **before** the Bid Closing date and time **must submit their bid in its entirety, as this submission will override their previous ones.**

Bids submitted to NSPA through channels other than the e-Procurement platform will be disregarded and will not be evaluated. In the event that exceptional circumstances, as deemed by NSPA, justify the acceptance of a bid submitted outside the e-Procurement platform, the bid closing date and time must be respected.

Prospective bidders are expected to familiarise themselves with the functionalities and operational modalities of the e-Procurement platform. They are also advised to submit their bids sufficiently in advance so that any technical issue(s) may be resolved before the Bid Closing date and time.

In case of questions or issues when using the e-Procurement platform, the e-Procurement helpdesk is available by email at: [e-procurement.helpdesk@nspa.nato.int](mailto:e-procurement.helpdesk@nspa.nato.int), or by phone at: +352 3063 5629 (during NSPA-Capellen business hours: MON-THU 09.00-16.00; FRI 09.00-12.00, CET)

NSPA does not accept any responsibility for technical difficulties or issues accessing the eProcurement platform, particularly related to last minute bid submission or access to RFPs.

### 3. RFP QUESTIONS AND ANSWERS

Bidders are encouraged to read all the RFP documentation and seek clarifications on any unclear point(s) at the earliest opportunity. Consequently, the relevant question(s) shall be submitted via the e-Procurement platform, by accessing the RFP from the supplier account. The timeline for submission of questions is set forth in Table 1 above.

Bidders' questions and the respective answers will be published on the appropriate section of the RFP page with no identification of the originator.

Questions on the RFP content and terms shall be submitted exclusively through the e-Procurement platform. Bidders contacting NSPA staff directly in relation to an on-going RFP, other than for technical issues using the platform or registering in Source File, may be considered in breach of these Bidding Instructions and ultimately excluded from the solicitation.

### 4. 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 evaluated as being non-compliant and may be refused consideration for award of a contract.

All blank spaces in the attached exhibit: PROPOSAL FORM AND INSTRUCTIONS / GUIDANCE FOR PREPARATION OF PROPOSALS must be completed and the exhibit returned with your proposal.

The following documents are attached:

- NSPA General Provisions for Fixed-Price Contracts (Materiel)
- Termination for Convenience of NSPA
- NSPA Supplier Code of Conduct
- NSPA Materiel Inspection and Shipping Report (MISR) NSPA Form 194 with relevant distribution instructions.

### 5. 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.

## **6. EMPLOYMENT OF FORMER NSPA STAFF**

Any bidder who proposes to employ former NSPA staff member(s) in the performance of the resulting 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 an 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.

## **7. BALANCING OF PRODUCTION**

For contracts amounting to EUR 160,000.- or more, or equivalent in another NATO nation 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 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.

## **8. GEOGRAPHICAL LIMITATIONS**

Not Applicable.

## **9. BID EVALUATION**

The criteria NSPA will use to select the successful bidder are indicated in the "List of Items" attached hereto.

## **10. 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.

**11. AUTHORISED SIGNATURE**

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

**12. VALIDITY**

Your proposal shall be valid until the "Offer Validity" date indicated in Table 1 on the first page of this RFP.

**13. LANGUAGE**

The proposal must be submitted in English, as this is the language of this RFP and the resulting contract. Any document or information in the bid in a language other than English shall be accompanied by a courtesy translation. At the request of NSPA, the bidder shall provide at its cost-sworn translation(s) of any document identified as having special relevance or with legal implications.

**14. CONDITION OF MATERIEL**

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

**15. QUALITY ASSURANCE**

The detailed Quality Assurance requirements applicable to this RFP are set forth in the attached Exhibit / Terms and Conditions / Statement of Work / List of Items

Throughout the performance of the resulting contract, the bidder shall provide objective evidence in order to demonstrate compliance with the contractual requirements specified and to provide confidence to NSPA that the bidder's processes are capable to consistently provide conforming materiel on time and within cost.

The bidder shall be responsible for complying with:

- (1) Quality Requirements for Materiel;
- (2) Quality Requirements for the Bidder.

**16. BIDDERS CONFERENCE**

Not Applicable.

**17. Not applicable.PRICES, CURRENCY AND PAYMENT**

Prices will be quoted in the currency of any NATO Nation or the currency of the Partner Nation where, according to the geographical limitations of the RFP (set forth above in Paragraph 8), companies incorporated in such countries are allowed to participate. 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 the ECB – European Central Bank – and updated every first working day (Following ECB Calendar) of the week of the bid closing date.

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. For companies incorporated in a NATO Nation, NSPA will only accept to make payments on an account in a bank located in a NATO Nation.

## **18. 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 partially or completely, stop the bidding procedure, postpone it to a later date or award a contract for any or part of the items solicited. NSPA shall bear no liability for costs or losses incurred by bidders in relation to their participation in the RFP process. Any claim from bidders against NSPA for a refund of expenditure or charges resulting from preparation and submission of the bid will not be accepted.

## **19. PRE-AWARD SURVEY**

Not applicable.

## **20. ALLEGATIONS OF UNDULY RESTRICTIVE SPECIFICATIONS**

If your company believes that the wording of this Request for Proposal (RFP) unduly restricts competition, a formal complaint may be submitted by the deadline indicated in Table 1 above.

The formal complaint must be submitted in writing to the cognizant Procurement Officer (gregory.poe@nspa.nato.int) identified in the RFP with a copy to the NSPA Competition Advocate at [competition.advocate@nspa.nato.int](mailto:competition.advocate@nspa.nato.int), must detail the specific areas in which it is believed that the requirements of this RFP unduly restrict competition and must request that NSPA suspend the procurement process. If the Procurement Officer is unable to resolve the complaint satisfactorily, the bidder shall be so informed and the complaint shall be forwarded thereafter by the Procurement Officer to the Competition Advocate for resolution. The Competition Advocate will convene an independent Complaints Committee to evaluate the complaint and will endeavour to advise the complainant of the outcome, within 15 working days after the Committee has met. The decision of the Complaints Committee in such cases shall be final.

## **21. BID OPENING**

The Monday following the bid closing date of this RFP, NSPA will post on its portal the names of the companies that have submitted an offer within the bidding period of this RFP, at the following link: <https://www.nspa.nato.int/business/procurement/bid-awards>

## **22. INFORMATION ON CONTRACT AWARD**

If your proposal did not result in an award, you will be informed of the reasons why your proposal was not accepted and the price of the winning bid. Your company's name will remain in the NSPA Source File and will be considered for invitation for any future competitions in this field.



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

The NSPO Procurement Regulations and the NSPA Procurement Operating Instruction, governing this Request for Proposal, are available on NSPA's website under:

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

**24. PUBLICATION OF CONTRACT AWARDS**

In accordance with NSPO Procurement Regulations, NSPA periodically publishes the contract awards exceeding EUR 80,000, indicating the contractor's name and country, as well as the purpose and total amount of the contract. This procedure will not apply to classified contracts or when the customer has stipulated that publication is not wanted.

This information is to be found on the NSPA website under:

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

**Enclosure(s)**

- Exhibit: Proposal Form and Instruction/Guidance for Preparation of Proposals
- Terms and Conditions
- List of Items
- Statement of Work

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

NSPA has prepared this two-part proposal form (pages .14.-.20.) for the purpose of providing a standard format by which the bidders submit price data and supporting information suitable for a detailed and accurate analysis and evaluation of their proposals.

**Bidders are encouraged to use this form**, however, if another format is used, bidders are requested to maintain the sequence and suitably index the proposal to enable rapid analysis by NSPA. This form must be completed and returned with the offer.

**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 – COMMERCIAL PROPOSAL**

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

<b>PART A - TECHNICAL PROPOSAL/CAPABILITY AND QUALIFICATION FORM</b>
--

Bidder to confirm its own role or contribution to the production or commercialization of the related materiel, particularly whether it performs as:

OEM	YES / NO	(Bidder to provide evidence)
OEM Authorized Dealer	YES / NO	(Bidder to provide evidence)
Non-Authorized Dealer	YES / NO	
Broker	YES / NO	
Stockist	YES / NO	

The information on your firm and capabilities should be submitted along the lines of the format provided below.

Voluminous pre-printed brochures are not desired.

**1. EXPERIENCE AND CAPABILITIES OF YOUR COMPANY IN PROVIDING SIMILAR TYPES OF MATERIEL**

- a. The bidder shall provide a short description of the company's experience and capabilities in providing materiel as those requested in this RFP.

---



---



---



---

- b. The bidder shall provide references and points of contact for materiel delivered under similar contracts, if permissible.

---



---



---



---

- c. The bidder shall identify any former NSPA Staff, which it proposes to employ on this contract as set out in paragraph 6.

---



---



---

## 2. QUALITY

- a. The bidder shall be compliant with AQAP2110 and must provide a Certificate of Conformity (CoC) (using the AQAP2070 template). A MISR shall not be used in lieu of a CoC.

If not the OEM, the bidder shall provide the CoC received from the OEM. This does not relieve the Bidder from its contractual quality requirements.

- b. The contract may be subject to Government Quality Assurance (GQA) in accordance with AQAP 2070.
- c. The inspection and/or tests to be applied to the materiel shall be as set forth in the Statement of Work (§2.2.2) and in accordance with the referenced drawing.

## 3. DELIVERY SCHEDULE

The Contractor shall provide a delivery schedule in accordance with SOW §3.2.

## 4. FACILITIES WHERE MATERIEL WILL BE MANUFACTURED AND INSPECTED

- a. Manufacturing and inspection of the materiel shall be performed at the Contractor's facility(ies) designated below:

---

---

---

---

- b. The Contractor shall confirm that it will meet all the quality and test requirements defined in the drawing and listed below:
- Battery listing with lot number, customer SN, date of production
  - COC with ammunition lot number,
  - Ammunition data card
  - Table with required tests (mentioned in the drawing 10181788) with results of the fired battery for validation of each lot.
  - Acceptance test data sheet signed for each battery delivered.

**5. SUBCONTRACTS AND PERCENTAGE TO TOTAL COMMERCIAL PROPOSAL**

Provide names, addresses of sub-contractors and Quality Assurance standards with the reasons why subcontract(s) are necessary.

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

**6. CONTRACT ADMINISTRATION**

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

**Contractual matters:**

Company name: \_\_\_\_\_

Address: \_\_\_\_\_

Attn: \_\_\_\_\_

Phone: \_\_\_\_\_

email: \_\_\_\_\_

**Technical matters:**

Company name: \_\_\_\_\_

Address: \_\_\_\_\_

Attn: \_\_\_\_\_

Phone: \_\_\_\_\_

email: \_\_\_\_\_

## PART B - COMMERCIAL PROPOSAL

### 1. TERMS AND CONDITIONS

The bidder to confirm acceptance of the following to be applicable should the contract be awarded:

- **YES**, the bidder **fully accepts** Terms and Conditions, General Provisions for Fixed Price Contracts (Materiel) and Termination for Convenience of NSPA as set out in this RFP.
- **NO**, the bidder **does not fully accept** Terms and Conditions, General Provisions for Fixed Price Contracts (Materiel) and Termination for Convenience of NSPA as set out in this RFP.

#### NOTES:

- a. The bidder may provide comments to the documents listed above. NSPA will consider all these however; **NSPA reserves the right to award a contract solely on the basis of Bidder's full acceptance.**
- b. The bidder is requested to submit as an attachment to this form, the proposed wording of its requested amendments to allow proper consideration of the amendment request by NSPA, making reference to the Part and Paragraph of the applicable document for which it is seeking amendment.

### 2. PRICES

Please indicate your best prices in attached document entitled "List of services"

Please consider "Item" and "Line" n° as follows: 10 = 1, 20 = 2 etc.

### 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 10 days: .....	% is granted	<b>(bidder to indicate)</b>
If payment is made within 20 days: .....	% is granted	<b>(bidder to indicate)</b>

### 4. VALIDITY:

This COMMERCIAL PROPOSAL, when associated with the TECHNICAL PROPOSAL, constitutes the bidder's tender against this RFP and is valid until the specified offer validity date specified in Table 1.

NAME OF COMPANY: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

---

---

NAME OF REPRESENTATIVE:

---

TITLE OF REPRESENTATIVE:

---

DATE OF PROPOSAL:

---

SIGNATURE:

---